

1890.

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1890,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN EIGHT VOLUMES.
VOL. II.

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LEGISLATIVE ASSEMBLY.
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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

AUSTRALIAN BANKING COMPANY OF SYDNEY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
8 October, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1890.

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EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 65. WEDNESDAY, 24 SEPTEMBER, 1890.

6. AUSTRALIAN BANKING COMPANY OF SYDNEY BILL (*Formal Motion*):—Mr. Dowel moved, pursuant to Notice,—
- (1.) That the Australian Banking Company of Sydney Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr Stokes, Mr. Lees, Mr. Frank Farnell, Mr. Cooke, Mr. Kidd, Mr. Nobbs, Mr. Creer, Mr. Crick, Mr. Stevenson, and the Mover.
- Question put and passed.
-

VOTES No. 71. WEDNESDAY, 8 OCTOBER, 1890.

5. AUSTRALIAN BANKING COMPANY OF SYDNEY BILL:—Mr. Dowel, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee, for whose consideration and Report this Bill was referred on 24th September, 1890; together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890

AUSTRALIAN BANKING COMPANY OF SYDNEY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 24th September, 1890, the "*Australian Banking Company of Sydney Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the List (whose *See List, page.4 evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

W. S. DOWEL,
Chairman.

No. 3 Committee Room,
Sydney, 7th October, 1890.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 2 OCTOBER, 1890.

MEMBERS PRESENT :—

Mr. Dowel,	|	Mr. Stokes,
Mr. Stevenson,	|	Mr. Nobbs,
Mr. Cooke.		

Mr. Dowel called to the Chair.
Entry from Votes and Proceedings appointing the Committee *read* by the Clerk.
Printed copies of the Bill *referred*, together with original Petition to introduce the same, before the Committee.

Sydney John Bull, Esq., called in, sworn, and examined.

Witness *produced* Memorandum and Articles of Association of the Company.

Witness withdrew.

Committee deliberated.

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

TUESDAY, 7 OCTOBER, 1890.

MEMBERS PRESENT :—

Mr. Dowel in the Chair.

Mr. Cooke,	|	Mr. Lees,
Mr. Creer,	|	Mr. Stokes,
Mr. Nobbs,	|	Mr. Kidd.

Roderick McNamara (*Manager of the Australian Banking Company of Sydney*), called in, sworn, and examined.

Witness withdrew.

Preamble considered.

Question,—“That this preamble stand part of the Bill,”—put and passed.

Clauses 1, 2, 3, and 4 read and *agreed* to.

Clause 5 read, amended*, and *agreed* to.

Clauses 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 read and *agreed* to.

Title read and *agreed* to.

Chairman to report the Bill with an amendment to the House.

SCHEDULE OF AMENDMENT.

Page 2, clause 5, line 58. *Omit* “actually.”

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*See Schedule of Amendments.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

AUSTRALIAN BANKING COMPANY OF SYDNEY BILL.

THURSDAY, 2 OCTOBER, 1890.

Present:—

MR. NOBBS,	|	MR. COOKE,
MR. DOWEL,	|	MR. STOKES,
MR. STEVENSON.		

W. S. DOWEL, Esq., IN THE CHAIR.

Mr. Sydney John Bull called in, sworn, and examined:—

1. *Chairman.*] You are solicitor to the Australian Banking Company of Sydney? I am.
2. You produce a copy of the memorandum and articles of association of the Bank, bearing date 29th August, 1890? I do.
3. What is the capital of the Bank? £250,000.
4. Is it all paid up? No; it is not fully paid up. The paid-up capital is about £100,625, and the subscribed capital £150,400.
5. What are the total available assets? About £300,000.
6. That is available for the purposes of the Bank? Yes, the property of the Bank.
7. Can you say of your own knowledge that there is a desire on the part of the shareholders to have the Bank incorporated? I can, so far as all the shareholders resident in Australia are concerned.
8. Clause 7 of the Bill gives power to the Bank to issue notes? Yes.
9. To what amount? Nearly to the amount of the paid-up capital. Any amount in excess of the capital they must have in coin or bullion.
10. Is clause 9 of the Bill founded upon the provisions of the Act incorporating the City Bank? Yes.
11. Have other Australian Banks been incorporated under provisions similar to these? Yes. The provisions of the Bill are taken chiefly from the Act incorporating the City Bank, and that incorporating the Mercantile Bank. They are the latest incorporated Banks.
12. Do you desire to give any other evidence? Well, I might state that the Bank has been formed for some time past, and for the purposes of the public, I consider, is far safer than any similar institution commencing business, because we have actual securities and other things which other new Banks commencing business would not necessarily have. The Bank has been in existence for about four years, so that we have accumulated securities and other assets.
13. How many shareholders have you? About 500. I might say that about forty-eight actually signed the memorandum of association.
14. Who are the directors? Mr. Francis Abigail, Mr. Samuel George Davison, Mr. William Bull, senr., Mr. Thomas Henry Hassall, and Mr. Robert Cunningham.
15. How long has the Company been established? About four years. I may say that it was first a limited Company, but it has been reconstructed, and has been made a non-limited Company.

Mr.
S. J. Bull.
2 Oct., 1890

Mr.
S. J. Bull,
Oct. 1890.

16. When was it reconstructed? On the 29th August last, in accordance with the memorandum of association. I may say that I have gone through the Bill carefully, and the Committee if they go through it will find that we are asking for nothing beyond that which any similar institution being formed at the present time would be entitled to ask.
17. Is the Bill in any way different from Bills which have been obtained by any other Banks in the Colony? No. No more concessions are asked for than those asked for in the case of similar institutions.
18. Is your Bill practically a consolidation of other Banking Corporation Acts? It is to a great extent. I think I went through almost every Bank Act.
19. Does the Bill contain any new clauses? No new beneficial clauses.
20. *Mr. Nobbs.*] You say you are now a non-limited Company? Yes.
21. Are you registered as such? Yes.
22. And you hold a certificate? Yes.
23. *Mr. Cooke.*] You say the shareholders are anxious to have the Bank incorporated? Yes. I think I never attended a more unanimous meeting than that at which it was resolved upon.
24. Have you the records of that meeting? I did not bring them with me, but they could be produced. The manager attended the meeting, and he, probably, would be able to tell you all you require to know.
25. *Chairman.*] I suppose you attended the meeting? Yes.
26. Was it a largely attended meeting? Yes.
27. Was there a unanimously expressed desire to have the Bank incorporated? Yes; there was not one dissentient voice. There were represented with proxies and personal attendants over 230 shareholders.
28. *Mr. Cooke.*] Has there been at any time any opposition to the movement? I believe at the first meeting there was, but the objections were explained away, and the shareholders who objected have since joined the others.
29. So that now the shareholders are unanimous on the question? Perfectly unanimous.
30. *Mr. Stokes.*] You say you have a proprietary of 500 shareholders? Yes.
31. But you say that at the meeting only 230 were represented? That is a rough estimate.
32. Although a large number of the shareholders were absent from the meeting you say that the shareholders are unanimous? I believe they are—all those present certainly were.
33. Have you evidence in support of your assertion? Well, there are only the minutes of the meeting and the proxies, which I daresay could be produced by the manager.

TUESDAY, 7 OCTOBER, 1890.

Present:—

MR. LEES,
MR. NOBBS,

MR. STOKES.

MR. COOKE,
MR. KIDD,

W. S. DOWEL, Esq., IN THE CHAIR.

Mr. Roderick M'Namara called in, sworn, and examined:—

Mr.
R. M'Namara,
7 Oct., 1890.

34. *Chairman.*] You are manager of the Australian Banking Company of Sydney? Yes.
35. How long have you been manager? About two and a half years.
36. Do you know whether it is the desire of the shareholders that the Company should be incorporated by Act of Parliament? I do; it is.
37. Were you present at any meeting of shareholders specially called to consider the matter? Yes; a meeting was called specially to consider the question of incorporation on the 12th August, 1890.
38. Was any resolution passed at that meeting in reference to the matter? Yes, the following resolution:—"That a new Company be formed from the shareholders of this Company, to be called 'The Australian Banking Company of Sydney,' for the purpose of taking over the whole business of the Company, to be a non-limited Company."
39. Was that meeting composed of a large number of shareholders? Yes; they represented, in person and proxy, money to the extent of £72,500. There were 8,500 shares represented in person, and 175 by proxy—representing 6,000 shares at £5 each.
40. There was represented £72,500 out of a total of £100,300 paid up? Yes.
41. Was the resolution you have read carried unanimously? Yes.
42. Was any further meeting held in reference to this particular matter? Yes; the meeting was held on the 29th August, 1890; 8,700 shares were represented in person, and 10,000 by proxy. The money represented amounted to £93,500.
43. Were the minutes of the previous meeting, having special reference to the resolution you have read, confirmed? Yes.
44. *Mr. Cooke.*] At the meeting of 29th August £93,000 out of a total of £100,300 paid up was represented? Yes.
45. Do you know of any previous or subsequent objection to incorporation on the part of the shareholders? No; and at the present time proxies are coming in from England, America, and from all parts of the Australian Colonies.
46. Did they all approve of the step taken? Yes.
47. I suppose that at the meeting of the 29th August the minutes of the previous meeting were confirmed unanimously? Yes.
48. The Company is registered? Yes.
49. You hold the certificate of registration? Yes.
50. What is the date? 1st September, 1890.

7
1890.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SECOND SELECT COMMITTEE

ON THE

AUSTRALIAN BANKING COMPANY
OF SYDNEY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDICES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
4 December, 1890, A.M.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 88. FRIDAY, 14 NOVEMBER, 1890.

8. AUSTRALIAN BANKING COMPANY OF SYDNEY BILL:—The Order of the Day having been read,—
Mr. Dowel moved, “That” this Bill be now read a second time.
Debate ensued.
Mr. Gould moved, That the Question be amended by the omission of all the words after the first word “That,” with a view to the insertion in their place of the words, “the Bill be again referred to a Select Committee, with power to send for persons and papers, for further consideration and report.”
“(2.) That such Committee consist of Mr. McMillan, Mr. Garvan, Mr. Burns, Mr. King, Mr. Molesworth, Mr. Lee, Mr. Fletcher, Mr. O’Sullivan, Mr. Wyman Brown, and the Mover.
“(3.) That the Report from the Select Committee on this Bill, brought up on 8th October, 1890, be referred to this Committee.”
Question proposed,—That the words proposed to be omitted stand part of the Question.
Debate continued.
Question,—That the words proposed to be omitted stand part of the Question,—put and negatived.
Question,—That the words proposed to be inserted in the place of the words omitted be so inserted,—put and passed.
Question then,—
(1.) That the Bill be again referred to a Select Committee, with power to send for persons and papers, for further consideration and report.
(2.) That such Committee consist of Mr. McMillan, Mr. Garvan, Mr. Burns, Mr. King, Mr. Molesworth, Mr. Lee, Mr. Fletcher, Mr. O’Sullivan, Mr. Wyman Brown, and the Mover.
(3.) That the Report from the Select Committee on this Bill, brought up on 8th October, 1890, be referred to this Committee,—
Put and passed.

VOTES NO. 99. THURSDAY, 4 DECEMBER, 1890, A.M.

14. AUSTRALIAN BANKING COMPANY OF SYDNEY BILL:—Mr. Burns, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Second Select Committee to whom this Bill was referred on 14th November, 1890, for further consideration and report; together with Appendices and a copy of the Bill as further amended and agreed to by the Committee.
Ordered to be printed.

* * * * *

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1890.

 AUSTRALIAN BANKING COMPANY OF SYDNEY BILL.

 SECOND REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom, on the 14th November, 1890, was referred for further consideration and report "*the Australian Banking Company of Sydney Bill*," and to whom was also referred, on the same date, "*the Report from the Select Committee on this Bill, brought up on the 8th October, 1890*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose *See list, page 5 evidence will be found appended hereto), and considered the Report and Evidence referred, and that the Preamble having been satisfactorily proved to your Committee, they proceeded to further consider the Bill, in which it was deemed necessary to make further amendments.

Your Committee now beg to lay before your Honorable House the Bill as further amended and agreed to by them.

J. F. BURNS,
Chairman.

No. 2 Committee Room,
Sydney, 3rd December, 1890.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 18 NOVEMBER, 1890.

MEMBERS PRESENT:—

Mr. Burns,	|	Mr. Gould,
Mr. Molesworth,	|	Mr. Lee,
Mr. Wyman Brown.		

Mr. Burns called to the Chair.

Entry from the Votes and Proceedings, appointing the Committee, and referring the Report of the former Committee thereto, *read* by the Clerk.

Printed copies of the Bill *referred*, together with Report of former Committee, before the Committee.

Committee deliberated.

Present:—Sydney J. Bull (*Solicitor for the Bill*).

Roderick M'Namara, Manager of the Australian Banking Company of Sydney, called in, sworn, and examined.

Witness handed in Seventh Report of the Australian Banking Company (Limited), Sydney; also Weekly Statements of the Bank from 22nd to 29th September, 1890, and from 11th to 17th November 1890, respectively. (*See Appendix A 1 to 3.*)

Witness withdrew.

Sydney John Bull sworn and examined.

Room cleared.

Committee deliberated.

[Adjourned till Tuesday, 25th November, at *half-past Two* o'clock.]

TUESDAY, 25 NOVEMBER, 1890.

MEMBERS PRESENT:—

Mr. Burns in the Chair.

Mr. King,	|	Mr. Molesworth,
Mr. Garvan.		

Present:—Sydney John Bull, Esq. (*Solicitor for the Bill*).

George Alfred Buck called in, sworn, and examined.

Witness withdrew.

Charles Kent called in, sworn, and examined.

Witness withdrew.

Roderick M'Namara called in and further examined.

Witness produced five certificates of different Auditors on the affairs of the Bank during the last three years.

Room cleared.

Committee deliberated.

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

FRIDAY, 28 NOVEMBER, 1890.

MEMBERS PRESENT:—

Mr. Burns in the Chair.

Mr. Lee,	|	Mr. King,
Mr. Garvan,	|	Mr. Molesworth,
Mr. Wyman Brown.		

Committee deliberated.

Present:—Sydney John Bull, Esq. (*Solicitor for the Bill*).

Roderick M'Namara called in and further examined.

Room cleared.

Committee deliberated.

Ordered,—That Francis Abigail, Esq., M.P., be requested to attend next meeting.

[Adjourned to Wednesday next, at *Half-past Eleven* o'clock.]

WEDNESDAY, 3 DECEMBER, 1890.

MEMBERS PRESENT:—

Mr. Burns in the Chair.

Mr. Lee,	|	Mr. Molesworth,
Mr. King,	|	Mr. O'Sullivan,
Mr. Wyman Brown.		

Francis Abigail, Esq., M.P., called in, sworn, and examined.

Witness produced certificate from Messrs. Salmon and Twist (Accountants), certifying to the examination of the securities, &c., of the Australian Banking Company of Sydney.

William

William Twist called in, sworn, and examined.
 Room cleared.
 Committee deliberated.
 Preamble considered.
 Question,—“ That this Preamble stand part of the Bill,”—put and passed.
 Clauses 1, 2, 3, and 4, read and *agreed to*.
 Clauses 5 and 6 read, amended*, and *agreed to*.
 Clauses 7 and 8 read and *agreed to*.
 Clauses 9 and 10 read, amended*, and *agreed to*.
 Clauses 11 to 29 inclusive, read and *agreed to*.
 Title read and *agreed to*.
 Chairman to report the Bill, with amendments, to the House.

SCHEDULE OF AMENDMENTS.

Page 2, clause 5, line 58. *After* “ Company ” *insert* “ on the whole of the said two hundred and fifty thousand pounds being subscribed for, and one hundred and fifty thousand pounds paid up ”
 Page 3, clause 6, lines 54 and 55. *Omit* “ The sum of one hundred thousand pounds of the annual capital having been subscribed for and ” *insert* “ On the sum of two hundred and fifty thousand pounds having been subscribed for and one hundred and fifty thousand pounds thereof paid up ”
 Page 4, clause 9, line 33. *After* “ Company ” *insert* “ as hereinafter provided ”
 Page 4, clause 10, lines 39 and 40. *Omit* “ one million ” *insert* “ five hundred thousand ”

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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

AUSTRALIAN BANKING COMPANY OF SYDNEY BILL.

TUESDAY, 18 NOVEMBER, 1890.

Present:—

MR. GOULD,
MR. WYMAN BROWN,

MR. LEE.

MR. BURNS,
MR. MOLESWORTH,

J. F. BURNS, ESQ., IN THE CHAIR.

Mr. Bull appeared as Solicitor for the Bill.

Roderick M'Namara called in, sworn, and examined:—

1. *Chairman.*] Are you the manager of the company which has applied for this Act of Incorporation? Yes.
2. How long have you held that position? A little over two years and three months.
3. At about what time did the present shareholders agree to take up this business and form a company? They determined to form the new company, "The Australian Banking Company of Sydney," on the 29th August, 1890.
4. You propose to virtually form a new company, and you apply for this Act of Incorporation? Yes.
5. Can you tell me how many shareholders you have at present? Not quite, but very nearly, 500.
6. Most of whom reside in the Colony? Yes.
7. The nominal capital of your bank is £500,000? No, it is £250,000. It was £500,000; but, by a resolution of the shareholders, it was reduced to £250,000.
8. How much of that has been subscribed? The amount subscribed is over £150,000.
9. And what amount is actually paid up? About £100,700.
10. What is about the amount of the fixed deposits? The amount at the present time will be very nearly £60,000.
11. Have you held the office of general manager from the commencement of this institution as an institution having a large body of shareholders and being a bank? I have.
12. How long is that? About two years and three months.
13. I have in my hands a balance sheet to the end of June, 1890, and it shows overdrafts to the extent of £139,000? Yes.
14. The bills discounted, in round numbers, amount to £37,000, and there is a statement also of the profit and loss for the half year? Yes.
15. There is no statement here, is there, in this account of bad and doubtful debts? Yes; there is provision made for them in the shape of a contingency account.
16. How much? £500.
17. Taken out of the profits of the half year? Yes; taken out of the net profits for the half year.
18. It is taken from the net profits? Yes; and placed to a contingent account, to meet bad and doubtful debts.

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19. Do you think that that would be sufficient to meet your risks on your discounts and overdrafts? Yes; we take an amount of net profit every half year. We have taken, for the last three years, amounts at the rate of £1,000 a year to make provision for bad and doubtful debts.
20. To the end of June, I see that the amount to the credit of the reserve fund is £3,000? Yes; we take an amount for the reserve fund every year.
21. Are the overdrafts secured in the ordinary way? Yes; by property and cash credit balances. Messrs. Richardson and Wrench were our principal valuers.
22. Do you find tradesmen's bills met with tolerable regularity? Yes.
23. Have you had previous experience in banking? Yes; eighteen years experience.
24. What banks were you in? The Bank of Victoria and Queensland National Bank.
25. Have you found it necessary to increase your capital in consequence of the expansion of your business? Yes.
26. I presume that you could do a larger business if you had a larger capital? I have not the slightest doubt about it.
27. The demands for accommodation exceed your resources? Yes.
28. If you get the powers proposed to be given by the Bill, are you of opinion that you can raise a sum corresponding with the requirements of your business? Yes.
29. Has it occurred to you that at the present time you are doing rather a large business, having regard to the amount of your capital? Yes; we are doing a very large business.
30. And you could extend it if you had this accommodation? Yes.
31. Is it proposed to issue new shares? What we intend to do is to call up almost immediately the unpaid capital of over £50,000.
32. How many shares will that represent? It is distributed amongst a great number of shareholders, and some are paid up to £2 10s.
33. Are they not all paid up on even lines? No; they were issued at different times.
34. But have not the shareholders paid an equal amount of those shares? No; some took up shares later than others. We had three issues, and they paid by monthly instalments. One issue we have only called up to the amount of £2 10s. On two other issues, we are making calls at present. We purpose to call up that £50,000, and make a paid-up capital of £150,000. Then by-and-bye that £100,000 that you see there extra, we purpose placing on the market; also, to have it subscribed and paid up within a certain period.
35. Did you concur with the Board when they paid 10 per cent. on the business you are doing? Certainly.
36. But does it not appear to you a large dividend to give on the business you are transacting? No; we had a very good amount, and we brought forward to the next half year over £3,000.
37. But as a new bank, building up your position, is it wise for you to pay as much as 10 per cent.? Perhaps it is not; it might be better to make the reserves a little larger, and the dividends a little less.
38. What rate do you give on deposits? Rates from 5 up to 7 per cent.—that is, according to the term. We have deposits for six and twelve months, and some for three years.
39. Do you take much money at as high as 7 per cent? I daresay about half; perhaps £30,000 at 7 per cent.
40. What are your rates of discount? Our present rates are according to the currency of the bills. We charge from 9 to about 12½ per cent. For six and twelve months bills, we charge from 10 to 12½ per cent. For short-dated bills, we charge the ordinary rates.
41. Are these not much in excess of the ordinary rates? Very few incorporated banks charge much less than 10 per cent. They all pretty well charge 10 per cent. on overdrafts.
42. For discounting bills? For short-dated bills they charge from 8 to 10 per cent., but they never discount a bill over four months.
43. If this Bill should be passed by Parliament, you will at once take steps to increase your capital by calling up the uncalled-up capital on your present shares, and also by the issue of new shares? Yes. We shall have that extra £50,000. Before there can be any material increase in the actual capital, the consent of the Governor-in-Council must be obtained. There can be no new shares issued without his consent.
44. Will you hand in a copy of your last balance-sheet presented to the shareholders? I will. (*See Appendix A*).
45. Do you desire to add anything further to your evidence with regard to the bank? Yes. I may state that on the 29th June, 1886, the Australian Loan, Discount, and Financial Company, with a Provisional Directorate, consisting of Messrs. John Kidd, M.P., J. F. Martin, J. H. Nathan, P. J. Farrell, G. B. Thomas, A. Mathey, John Vann, H. P. Palser, F. Abigail, M.P., G. H. Monteith, C. H. Roberts, John Scott, C. S. Gillett, and A. Murray, purchased the business of the Australian Financial Company. Mr. Abigail is the only gentleman out of the above number now on the Board of Directors. On the 28th July, 1887, the Australian Banking Company (Limited) was formed, with the Directorate of the following gentlemen:—Messrs. F. Abigail, M.P., John Scott, A. Mathey, John Vann, J. H. Nathan, J. F. Martin, and John Hurley, M.P. The Company then had 205 shareholders. In 1890—On 29th August, 1890, the Australian Banking Company of Sydney was formed, with a Directorate of the following gentlemen:—Messrs. F. Abigail, M.P., S. G. Davison, W. Bull, R. Cuninghame, and T. H. Hassall, M.P. The Company then had about 500 shareholders. The bank's affairs were specially audited by Messrs. Starkey and Taylor on the 20th July, 1887; by Messrs. Davenport and Miles on the 31st December, 1887; and Messrs. Ford and Troup on 22nd February, 1888. These firms are professional accountants. Messrs. Kent and Buck have audited the affairs of the bank every half year since its formation. They were elected by the shareholders. Those special audits were instituted at my own and Mr. Abigail's instigation.
46. Those auditors who have examined the accounts have had access to the papers, and I presume that you assisted them in having the accounts properly audited, and compared with vouchers and securities? Yes. I have brought with me the quarterly returns, which are sent in to the Colonial Treasurer; and I hand in a weekly statement for September 22nd, and another for September 29th, 1890. (*See Appendix B*).
47. *Mr. Molesworth.*] In drawing up this balance-sheet, have you specially noted that you put down your overdrafts and dividends, together with bills discounted, after allowing for interests on fixed deposits, at £175,000? Yes.

48. Do you notice that that is 75 per cent. over the paid-up capital of the company? It is, if you look at it in that light; but I do not.
49. You have noticed the fact that the advances for overdrafts and the discounting of bills exceed the actual paid-up capital by 75 per cent.? Yes.
50. And you do not think that it is too great an advance? No.
51. Do you notice, further, that that amount exceeds the amount of the capital and of the fixed deposits combined? Yes.
52. Have you specially noted that the only amount of cash in hand is shown by the last balance-sheet to be only £2,080? Yes; but we have an arrangement with our bank to draw at any time.
53. But still, as a matter of fact, the only cash available at the present time is only £2,080? That is the amount of cash on hand, but not the amount available on that particular balance day.
54. Apart from that, you have no other cash? Yes; we have an arrangement for the supply of further cash.
55. I do not see it shown on the balance-sheet? It is an arrangement with a bank.
56. That is, you could get an overdraft? Yes.
57. You avail yourselves of the assistance of another bank for some of your financing? In a measure.
58. You stated, in answer to a question from the Chairman, that the sums owing upon various shares differed according to the period at which those shares were taken out? Yes.
59. Would you have any objection to let the Committee have a list of the number of shares unpaid-up, and the amounts payable on them respectively—a tabulated list? Yes; but it would entail an awful lot of work.
60. Are there any calls due that are not paid by the shareholders? Very few.
61. To what extent do you think? I do not suppose they would amount to £500.
62. Then, what is the meaning of this liability which you have got in the account in reference to dividends—I refer to the dividend suspense account? There are outstanding dividends which have not been claimed.
63. How do you account for that large sum not being claimed? Lots of people leave their money at interest. We give them interest on the dividends left in that way.
64. Instead of being credited to individuals, the money is left in the dividend suspense account? Yes.
65. Is it not customary in your bank for the auditor to be a shareholder? No.
66. Are you aware that none of these auditors are down in your share list? I am quite aware of that; they are professional accountants.
67. What is the general character of your assets? Landed property, cash credit balances, and securities by undoubted individuals.
68. Can you say what is the proportion of landed property in your general assets? I should say that landed property would be very nearly all; it must be over two-thirds of the assets.
69. *Mr. Gould.*] Would the balance of them be purely cash credits;—would there be bills of sale? Yes, and cash credit bonds signed by responsible parties.
70. Would you have cash credit bonds for bills of sale? Yes; in all cases.
71. *Mr. Bull.*] *Mr. Gould* asked whether there are securities in the shape of bills of sale on furniture? No; there are not.
72. As a matter of fact, the bank does not take bills of sales? No; I have never taken a bill of sale since I took charge.
73. *Mr. Gould.*] On what other class of securities do you advance besides landed property and cash credit bonds? No other security.
74. Is there anything as collateral security? Yes; lots of different things are placed with me as collateral security.
75. What would they be? Shares in banks, &c.
76. The securities that you would have would be landed property and cash credit bonds and shares in other institutions? Yes.
77. That would comprise all the securities? Yes.
78. *Mr. Molesworth.*] You take no security upon household effects? No.
79. It has been elicited in evidence that your nominal capital is £250,000? Yes.
80. The amounts subscribed for is £150,000? Yes.
81. The amount actually paid up is £100,000? A little over.
82. Do you think £100,000 sufficient to enable you to carry on this large business? We wish to increase it—that is the object of the Bill.
83. If the bill is granted, how will that lead to the obtaining of more capital? We shall call up that £50,000 to make up the £200,000; then place in the market £50,000 extra, making £250,000. I have no doubt that the capital will be subscribed readily. When that is paid up, if we wish to increase our business, we shall have to apply to the Governor-in-Council for permission to issue fresh shares.
84. Are you not in a position at the present time to call up the amount owing on the shares? Yes.
85. Is it not due? It is available, and if we wished to ask them to pay I daresay the money could be had; but we do not wish to press them. We let them pay by the usual monthly calls.
86. Do you think your directors would have any objection to make their capital actual instead of nominal? I think not.
87. Do not you think that the mere fact of a banking institution having its capital nominal when the amount is so small as £250,000 is detrimental to it? That is the reason why we decreased it from £500,000 to £250,000. That was done by a special resolution of the shareholders to enable us to take the steps that we are taking now.
88. The public think that where the capital of a banking institution amounts to so small a sum as £250,000, the amount should be actual? We purpose making it actual immediately.
89. Are you aware that the cash in hand is not equal to the reserve fund? Yes; we could have had £10,000 in hand if we had wished, but we do not like to keep more than is necessary for the actual requirements of the day.
90. *Mr. Bull.*] What is the meaning of cash in hand? It means to carry on business with.
91. It means the amount in hand on the day you balance up, not the arrangement with the bank? Exactly.
92. At what time in the day would the amount of that cash in hand be arrived at? At three o'clock, when we had done our day's business.

- Mr. R. M'Namara.
18 Nov., 1890.
93. *Mr. Molesworth.*] Then, although this is a banking company, you really transact some of your financial business with another bank? The Australian Joint Stock Bank are our bankers.
94. *Mr. Lee.*] Are you trading at present as the "Australian Banking Company of Sydney," or as a "Limited Company"? As the Australian Banking Company of Sydney.
95. And your object in asking Parliament to pass this Bill is to obtain power to increase your capital, and become a bank of issue? Yes.
96. Do you produce the articles of association which you ask to have confirmed under the third clause of the Bill? Yes.
97. Has the preparation of the Bill been left entirely to the solicitor to the bank? Entirely.
98. You are not in a position to point out any particular clauses in any other Bill that would bear upon it? No, with the exception of the Acts of the City and Mercantile Banks. This Bill is almost the same as those Acts.
99. Do you know the amount of nominal capital asked for by the City Bank when it was seeking incorporation? I do not recollect. The sixth section of the City Bank Act says, "the business shall not be commenced until the whole original capital is subscribed for and a moiety paid up, and the capital has to be subscribed for within the space of six calendar months from the time when the Act came into force."
100. Is there a similar provision to that in this Bill? I think so.
101. *Chairman.*] Mr. Molesworth asked a question as to the bank not having all the capital subscribed;—as an old banker, I presume it is within your knowledge that nearly all banks call up their capital from time to time, as they find that they require the money in their business? Yes.
102. And it would not be profitable to call up more capital than is wanted? No; they could not find any use for it.
103. Are you aware that most of the banks of the Colony have not called up the whole of their capital? Yes.
104. From time to time they make a call according to their requirements in business? Yes.
105. With respect to your having an arrangement with the Joint Stock Bank, is it not a common occurrence for a new bank to have an arrangement with a strong bank to leave their securities with them, and get advances as they want them? Yes; in every case.
106. There is nothing unusual in your having an account with the Joint Stock Bank, which is a strong bank? There is nothing unusual in it. The Oriental Bank is on the same basis. They keep an account at the Bank of Australasia, and they do not issue their own notes.
107. The auditors are professional gentlemen? Yes.
108. Is Mr. Buck a professional accountant? Yes; and so is Mr. Kent.
109. Do you, as a banker, think it advisable to have purely professional men as auditors who have no interest in the bank? I think it is the best.
110. Do you think the public will be better satisfied than they would be to trust shareholders? My shareholders are best satisfied with professional accountants. The auditors of banks are generally shareholders.
111. As regards the question put to you as to your fixed deposits and capital being exceeded by your advance, is it not a fact that almost every bank trading in the Colony makes advances exceeding their capital? Yes; in every case.
112. And it is sound banking business to do so? Yes.
113. It is the capital of shareholders, under sound management, that gives the public confidence, and enables them to take deposits, and puts the banks in a position to trade upon the deposits? Yes.
114. So there is nothing unusual in the capital being less than your advances? No, nothing at all.
115. Your object in applying for the Bill is to extend your resources by raising fresh capital? Yes.
116. You also wish to become a bank of issue? Yes.
117. *Mr. Gould.*] You say that your original capital was £500,000, and that it was reduced to £250,000;—what was the nominal value of the shares when your capital was £500,000? About par.
118. What did your shares represent? £5 each.
119. What do the shares represent now? They are £5 shares.
120. So that your nominal capital is 50,000 shares at £5 each? Yes.
121. You say that there have been three issues of these shares? Yes.
122. Can you tell me how many there were in each issue and the amount paid up? Not unless I refer to my share register.
123. Will you be able to tell us at another meeting? Yes.
124. *Chairman.*] What is the qualification of a director? The possession of a hundred shares.
125. *Mr. Molesworth.*] At what fixed period, if any, do you hold an investigation of the securities? Twice a year—in January and July.
126. And who are usually appointed to conduct this investigation? The auditors. They go through all the securities, having sometimes one or two directors with them.
127. How do you account for the £300,000 being stated as the total value of the assets of the company? Our assets in our balance sheet represent £170,000, and there is another £150,000 not called up of the shares.
128. Do you consider that the two auditors are sufficiently competent to value the securities of the bank? Yes, with the assistance of the directors.
129. *Chairman.*] Is it any part of the duty of the auditors to value your securities? It is the auditor's duty to go through the securities and to see that they are there. Messrs. Richardson and Wrench value the properties.

Sydney John Bull called in, sworn, and examined:—

- Mr. S. J. Bull.
18 Nov., 1890.
130. *Chairman.*] You are a solicitor practicing in the city? I am.
131. Are you solicitor for the Australian Banking Company? I am.
132. How long have you held that office? I think about two and a half years. I was appointed in April, 1888.
133. Did you prepare the Bill for the incorporation of the company? I did.

134. Does the Bill correspond in its provisions with the Bills for the incorporation of the City and Mercantile Banks? Exactly.
135. Did you draft the Bill yourself? I did.
136. Have you made any difference in this Bill as compared with the Acts of the City and Mercantile Banks? Not the slightest, except as to figures. The only difference is in reference to the amount of capital to be paid up.
137. *Mr. Lee.*] What is the nominal capital of the company? £250,000.
138. With power to increase it? Yes, to £1,000,000.
139. You have power, under the articles of association, to increase the capital to £1,000,000? Yes.
140. How much of that capital has been paid up? £100,000.
141. What is the difference, then, in that respect, between your Bill and the clause of the City Bank Act, relating to paid-up capital? The only difference, if I recollect rightly, is that the City Bank had to pay up more capital than this company. In the case of the City Bank, about a moiety of the capital had to be paid up. We have £150,000 subscribed for, and £100,000 actually paid up.
142. The Bill, then, does not provide that at least one moiety, which would be £125,000, shall be paid up before the company shall trade under the Bill? No.
143. In drafting this Bill, have you had due regard to the bank capital in existence? Yes; I might say that this Bill has been drawn under the Companies Act.
144. *Chairman.*] What you have referred to is the only difference between this Bill and the Mercantile and City Banks Acts? Yes; instead of calling our association a deed of settlement, it has to be termed what it is—"a memorandum and articles of association." That is the only difference.
145. *Mr. Lee.*] Have you made sufficient provision for the responsibility of the shareholders? I think so, for this reason—the depositors were satisfied to leave their money in their hands with a limited liability. They were only liable as shareholders up to the amount of their shares, £5; but by these new articles and memorandum, each £5 shareholder is liable to the amount of £10; therefore, it is better for the public and the depositors.
146. Is that provided for in clause 26 of the Bill? Yes; and you will also find it in the articles of association.
147. Is that the limit provided in the City and Mercantile Banks Acts? Yes; the provision is the same, word for word.
148. *Chairman.*] I suppose it was fully explained at the meeting of shareholders, and duly advertised, that you intended to apply for an Act, and that it was intended to increase the liability of the shareholders? Certainly; and I may state further that I have had the assistance of Mr. Lingen and Mr. J. T. Garraan. I did not take the matter wholly upon my own shoulders.
149. Did the shareholders agree to the proposal? Certainly.
150. Understanding their increased liability? Most certainly; but that was a stumbling block until I explained the matter to them.
151. Could the directors of this bank at once take steps to increase the capital of the company if they obtained the power which they asked for? I presume they could.
152. *Mr. Molesworth.*] You say that in drafting the Bill you followed as closely as possible the lines of the City and Mercantile Banks Acts? Yes.
153. Is it not a fact that, in the case of the City Bank, the whole of the shares had to be subscribed for before they could commence operations? I do not think so.
154. Then, is it not a fact that the whole of the £200,000, in the case of the City Bank, had to be subscribed for before the Bill was obtained? Yes; but I do not think that the City Bank would like to say that the whole of those shares were subscribed for.
155. Would you have any objection to provide that the whole of the nominal capital £250,000, shall be subscribed for? I do not think there would be any objection.
156. In other words, to insert a provision in exactly the same terms as clause 6 of the City Bank Act? I should think there would be no objection to it. I explained to my Board that I saw that difference between the two institutions.
157. I see that in this Bill you are applying for the usual right for banking institutions to issue notes? Yes.
158. Do you propose to put any limit upon that issue? I think there is a limit.
159. It does not seem so from the Bill? Clause 7 imposes a limit.
160. To what extent? The clause says:—"The total amount of the promissory-notes payable on demand, issued and in circulation within the Colony of New South Wales, may extend to, but shall not at any time exceed, the amount of its actual paid-up capital, and any such further amount in excess of the said capital as the company shall hold in coin or bullion."
161. Is that not largely in excess of what is granted to the City and Mercantile Banks? The only difference would be between the amounts of the paid-up capital in the two banks.
162. Does the privilege asked for under this Bill regarding the issue of notes exceed that granted under the City Bank Act? I do not think so; I think it is the same.
163. Are you aware that the clause gives the right to issue notes at any town or place where branches of the bank exist? Yes; notes are issuable at branches, but domiciled at head office.
164. Are you aware that the incorporated banks issue their notes only from the head office in one particular Colony? I am not aware of that; but provision is made in this Bill that the head office shall be liable for the notes.
165. Are you aware that this privilege may cause the bank to be brought into serious difficulties in some of their branches through there not being sufficient coin to meet the issue? I should think it would be so, from the way you put it.
166. You are not aware that the banks have receded from that position? I am not.
167. Have you any objection to take the matter into consideration? I will do so.
168. I see that under clause 10, you propose to get permission to increase your capital to £1,000,000;—are you aware that the capital of the Commercial Bank does not reach that amount? It did not at first, but I think it does now.

TUESDAY, 25 NOVEMBER, 1890.

Present:—

MR. MOLESWORTH, | MR. KING,
MR. GARVAN.

J. F. BURNS, ESQ., IN THE CHAIR.

George Alfred Buck called in, sworn, and examined:—

- Mr. G. A. Buck. 169. *Chairman.*] Are you an auditor of the Australian Banking Company (Limited)? Yes.
25 Nov., 1890. 170. Are you a professional accountant? No; I am an accountant.
171. Have you had experience as an accountant? Yes.
172. In whose service? In my father's, as a book-keeper, and afterwards in conducting the accountantships of different companies which I have been asked to do. I am experienced in matters of accounts.
173. How long have you held the office of auditor of the Australian Banking Company? For the last five years, I think.
174. Is this your signature to the last balance-sheet issued by the bank? Yes; that is up to the 30th June of this year.
175. With regard to the overdrafts and advances, what is your mode of procedure, in conjunction with the other auditor? We take the accounts as they stand in the books and the balances as they are made out on a list, showing the debtor and credit balances; that is the usual way. We check all the entries with the vouchers, the pay-in slips, and the cheques.
176. Has it been the practice of the manager to submit to you at the same time the vouchers showing that they were authorised by the Board? No; they do not show us that they have been authorised by the Board. We take that for granted, otherwise they would not have been advanced.
177. With respect to the cash credits, are there not bonds in connection with them? There are securities given, I presume; but we do not know how the directors advance the money.
178. Who certifies to you that the accounts are in accordance with the decisions of the Board? No one. We know of nothing beyond this, that the credits are there; we do not know why they are given.
179. Who supplies the accounts which are submitted to you? The manager and the clerk; we do not see the minute books.
180. Does not the manager and his officers submit to you at any time the cash credit accounts, showing the bonds or any securities? No; the securities were not shown to us the last time, but they were guaranteed to us as being there. On the previous occasion, also, we did not see the securities; but previously we always examined them.
181. Did you satisfy yourselves, as auditors, that the accounts were clerically correct? Yes, that they agreed with the vouchers; beyond that, we know nothing.
182. Do you state that on previous occasions you had inspected the cash credit bonds? No; all the securities that were held by the bank were shown to us.
183. That is, the valuations of property handed into the bank as security? Yes; those against which advances had been made.
184. Were the bills discounted shown to you? Yes; except those that were in a bank for collection, for which the bank gave a receipt and the list.
185. *Mr. King.*] In your certificate attached to the balance-sheet, you say, "We have counted the cash and examined the bills and other securities held by the bank";—do you not tell us that you have not done so on the last two occasions, but that you have taken a guarantee for the securities? Yes; a letter from the chairman of the directors.
186. Do you think that that is a proper thing to do? They requested us to take it. They said that they had examined the securities, and perhaps some of them might have been away from the bank for all that we knew.
187. Is not that an unusual course? Yes; we explained, I think, at the time to the manager that we should like to see them.
188. Did you not afterwards go and see that the guarantee given by the chairman was correct as to the securities? No.
189. With regard to the balances, did you check the accounts of the different customers of the bank? Yes.
190. Did you take the ledgers and go through all those and compare them? We checked them first with the vouchers.
191. Did you go through all the ledger accounts? Yes.
192. Did you check the balances accordingly? Yes; with a list that was given. They read out from the list the debtor and credit balances.
193. Did you check off the fixed deposits carefully? Yes; of course.
194. *Mr. Molesworth.*] You say that you have been auditor of this institution for about five years;—have you had experience in this direction? Yes.
195. Are you following any other occupation at present? Yes; a general commission business.
196. Has your experience in auditing been confined to private mercantile accounts? Yes.
197. Have you had previous experience in auditing bank accounts? No.
198. I understand that you have not seen the securities on the last two examinations, but that you have taken the certificate from the chairman of directors that the securities were correct;—are you not aware that an auditor is supposed to check the directors above all others? Yes. I may add that the gentleman who audits the accounts with me thoroughly understands banking accounts.
199. Did you get a certificate from the chairman of directors in writing? Yes, but I lost the papers in the fire at Pomeroy Chambers; but no doubt there are copies of the letters at the bank.
200. Did you have any opportunity of checking as to whether or not the advances had been authorised by the directors? Never, and I never asked for such a thing.
201. *Mr. Garvan.*] When was the last time that you examined the securities? Last June twelve months.
202. Have you a copy of the balance sheet which was issued the last time that you examined the securities? No; but there would be a copy at the bank.
203. Can you tell me generally what were the assets of the company the last time you examined the securities? No, I cannot state without refreshing my memory. As far as I can recollect, the bank has gradually progressed.

204. Does it not strike you as something very improper for you to have given a certificate to the shareholders without having done that portion of your work which was the most important of all? It does not. It was an important thing; but it was not, I think, so very important that I could not sign the balance sheet upon the authority of the guarantee of the chairman of directors.

Mr. G. A. Buck.
25 Nov., 1890.

205. Were you not appointed to supervise the accounts of the directors themselves, and to guarantee to the shareholders that the accounts were correct? Yes; but the chairman of directors gave a guarantee from himself and the other directors.

206. Would there be any necessity for an auditor if that was sufficient? Yes, certainly, to check the accounts and to examine them. The auditor had nothing to do with the value of a security. The security might be of little or no value so far as he could tell. We do not value the securities.

207. Is it not, ordinarily speaking, the duty of an auditor to see that all the outward appearances have a substantial security? I am aware of that.

208. Did you neglect that evident duty of an auditor on the last two occasions? Yes; I daresay the manager of the bank can tell you why the guarantee was given; they asked us to take it. I said, "If you give us the guarantee of the chairman of directors, and do not hold us responsible, we will do so."

209. *Chairman.*] Do you not state in this certificate, "We have counted the cash and examined the bills and other securities held by the bank on 31st December, 1889?"—Do you not see that your answers now do not agree with this certificate? I am aware; and I spoke to the manager about it. I said, "You must recollect that we have not seen the securities." I think he will be able to explain the matter.

210. What you did as auditor was to check the accounts clerically to see that they were correct in that respect? Yes.

Charles Kent called in, sworn, and examined:—

211. *Chairman.*] Are you a professional accountant? I am an accountant, but not a professional one.

Mr. C. Kent.
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212. Have you had many years experience as an accountant? Yes; I have had experience in banking in England as well as in my own business.

213. Are you one of the auditors of the Australian Banking Company (Limited)? Yes.

214. Is your name attached to the last certificate of audit of that bank? Yes, as one of the auditors.

215. Did you then give a certificate stating that you had examined all the balances and the bank securities? Yes.

216. Is that statement correct? It is correct to a certain extent. The securities we did not examine on that last occasion; but Mr. Abigail gave us a letter stating that he had examined all of them.

217. Did you in your previous audits go through the securities? On previous occasions we always examined the securities.

218. For how long before? For three years or more.

219. Did you upon all previous occasions examine and check the securities with the accounts? Yes; always before.

220. Why did you not audit them on this last occasion? The fact was, I was ill at the time, and they were in a great hurry to get out the balance.

221. Were you satisfied after having received the chairman's certificate that the accounts were correct? Perfectly satisfied.

222. That they were substantially correct? I was perfectly satisfied.

223. Has it been the custom to produce to you the bills or accounts showing overdrafts? We examined all.

224. As well as the securities? Yes.

225. Except on the last occasion? Yes.

226. *Mr. Bull.*] Is it not a fact that upon every occasion except these last two you have had the whole of the securities, promissory notes, and everything else before you? Yes, except on this last occasion.

227. *Mr. Molesworth.*] You have given a certificate that you examined the securities on the last occasion;—do you not think that that was misleading the shareholders? I do not think so, because Mr. Abigail pledged his word.

228. Do you think it is right for an auditor to give a certificate under such circumstances? We did not do so on any other occasion, and it was simply on account of being pressed for time.

229. Do you think it is right to give a certificate that a certain thing was done when it was not done? It is not correct, and I demurred to it at the time; but I was assured they were correct.

230. Are you not aware that it is the place of the auditors to check the directors work as well as anything else? Quite so.

231. *Mr. Garvan.*] If the auditor who audited the accounts with you has stated that on two previous occasions he signed the balance-sheet without seeing the securities, would that be correct? I cannot remember, but it may possibly have been so.

232. Mr. Buck stated several times in his evidence that on the last occasion he signed a certificate that he had examined the securities when, as a matter of fact, he had not seen them. He also stated that on the previous examination he signed a similar certificate without having seen the securities;—is that statement correct or not? I do not call that to mind, but it is quite possible. His memory may be better than mine. On several occasions I know that we have examined the securities particularly. I know that on the last occasion we had a letter from Mr. Abigail to say that the securities were correct.

233. Do you not know that as auditor your special duty was to examine everything as against the directors in the interests of the shareholders? We have been auditors now for three or four years, and on all occasions we have examined the securities, and checked them, and we have always found them correct. We found the books were not so well kept on the first occasion; but they have been very much improved, and they are now kept in a very systematic and business way, and we felt satisfied that the securities, although we had not seen them, were correct—the manager and Mr. Abigail verifying them.

234. Knowing that Mr. Buck has stated definitely that he did not see the securities on the last two occasions, do you think it is possible that his memory is better than yours in this matter? Yes; I abide by that. If he says so, it has been so.

235. When the balance for the period ending 30th June, 1889, was drawn up, were you auditor? Yes.

236. Are you certain that on that occasion you examined the securities? Undoubtedly; I believe so, to the best of my knowledge. It is perfectly correct.

- Mr. C. Kent. 237. Look at the credit side, and you will see under the heading, "By overdrafts and advances on cash credit," the sum of £88,269? Yes.
 25 Nov., 1890.
238. Were they secured by proper documents? By the documents in the safe.
 239. Did you examine each one of the securities by itself? We had every security out of the safe, and compared that with the ledger.
 240. Was any of that money advanced on the security of shares held by any members of the company? Yes; some of it.
 241. What proportion? I do not think a large proportion; it was a small proportion.
 242. Look at the other side and you will find that the total cash capital at that time called up was £48,732? Yes.
 243. On the security of the shares, how much money was advanced from the bank? I do not think more than £2,000 or £3,000.
 244. Can you speak with any degree of definiteness? I cannot speak with any certainty.
 245. Have you any idea as to what proportion of the assets set out in the last balance-sheet were advanced upon the security of shares in the company itself? No; but I still think it was a very small proportion.
 246. What justification have you for thinking so, when you did not examine the securities? Because I examined the securities on so many occasions, and did not find that the practice prevailed to any large extent. The shareholders, you will notice, are numerous and comparatively small.
 247. Speaking from memory, can you say that any of the directors used their shares as security for an overdraft? I daresay there were one or two perhaps; but I cannot speak with certainty.
 248. Might there possibly be more than two? I still say there is a very small proportion of those shares placed in the bank; that is my impression. We did not separate them to see what the securities were. There were properties as well as shares. I am satisfied there was a very small proportion of shares pledged.
 249. Have you had long experience as an auditor, or as an accountant? I have been connected with books more or less all my life. I have managed the accounts of the house of Newton Brothers, and I was in two banks in England for several years.
 250. When you speak of managing the accounts of Newton Brothers for many years, is that the firm of Christopher Newton Brothers? Yes. I was managing partner. I took the counting-house department. I had the supervision of all the books, and had to see that they were correct.
 251. When did you sever your connection with the firm? In 1868 or 1869.
 252. For how many years were you connected with that firm? About twelve years.
 253. Had you an accountant as well during the whole of that time? Yes.
 254. He, I presume, had full control of the accountant's work? Yes; certainly. I had to see that it was properly done. I think I have had as much experience in accounts as most men.
 255. Have you ever acted as auditor for any other business in Sydney? Not to any extent.
 256. Can you name any case? I had a little business to do with the Colonial Mutual Fire Insurance Company. I have not been employed as auditor.
 257. Was your connection with the Colonial Mutual Fire Company as an accountant auditing their books? Yes; just to audit their books for Mr. Chandler. I am not a professional accountant.
 258. In your opinion, is your fellow-auditor, Mr. Buck, a competent accountant? I think so, quite sufficiently so for the auditing of bank accounts. It is not at all an intricate thing, if one understands accounts at all. We have all the books and vouchers before us; we see that everything is properly carried forward, and corresponds with the balance-sheet.
 259. Do you think that the business of auditing banking accounts is so simple that a man does not require any special training as an accountant to do it? Yes.
 260. Would Mr. Buck, in your opinion, be capable of investigating the accounts of a company in your absence? I do think he has had sufficient experience for that.
 261. If Mr. Buck gave a certificate with reference to any special business that the balance had come out in a certain way, would you take that for certain as being correct? Yes.
 262. Would you do so if it were an intricate business? If it were an intricate business, probably I might hesitate; but he is a man who understands books so far as to check them, and to see that the balances are all right.

Roderick M'Namara re-called, and further examined:—

- Mr. R. M'Namara. 263. *Chairman.*] These papers have been sent to me by your bank, I believe; they are certificates of audit going back for some years;—do you now hand them in? Yes. [*Appendix C 1 to 5.*]
 25 Nov., 1890.
264. *Mr. King.*] I have before me a balance-sheet of the Australian Banking Company (Limited), for the 30th June, 1890;—are you the manager of that bank? Yes.
 265. Do you consider that you are justified in paying a dividend at the rate of 10 per cent. when your formation expenses, amounting to £2,878 3s., have not been paid? Yes; the Joint Stock Companies Act allows us to spread the formation expenses over a certain number of years at the rate of 20 per cent. per annum.
 266. Is this item of £95 shown as an asset for stationery in stock, or is it part of the preliminary expenses not yet paid for? It is a portion of the stationery for the half year; it is an asset.
 267. Are your banking premises freehold or leasehold? They are only rented by us; we have a seven years' lease.
 268. How do you make up the item of £1,724 3s. 1d.? That is for the premises, furniture, strong-room, fittings.
 269. In looking over your evidence given on a previous occasion, I find you have been connected with the Bank of Victoria and the Queensland National Bank;—was it the practice with those banks to value their furniture? Yes.
 270. Did they not write it off very very freely? They wrote off a certain amount every year, according as the profits might allow. It is recommended by the directors, and sanctioned by the shareholders.
 271. You say you have made provision to the extent of £500 for bad and doubtful debts, and the advances, according to the balance-sheet of the 30th June last, amount to £175,000;—is not that a very small percentage to allow for bad debts? I do not think so; we are not an old company.

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272. Do you not think that it is different to the experience of most banks to allow such a small percentage? The directors, of course, weigh these matters, and they considered that amount quite sufficient for the contingency.
273. What provision have you made each half year for bad and doubtful debts? The amount now to the credit of contingencies, I think, is about £2,500, or perhaps a little more.
274. According to your balance sheet, you have a capital of £100,148 14s. 6d. actually paid up in cash? Yes.
275. Is that in actual cash? Yes.
276. Have you made advances to shareholders on your own shares? If a shareholder wanted to borrow a small amount on his shares, I would lend him a few pounds, but I have not made it a practice to advance money on the shares. It is a thing we do not allow.
277. What is the aggregate of the advances so secured? I could not say unless I went over the ledgers. It is of course a particularly private matter. If you were a shareholder, and you wanted to tide over a small difficulty, I would lend you a small amount on the security of the shares.
278. *Chairman.*] Would you give it as an advance on an open account? Yes.
279. You would allow him an overdraft? Yes; I might place the shares with other deeds, if the shareholder wanted to strengthen his security. I do not consider that that would be advancing money against shares.
280. You would not transfer his shares unless your security was first satisfied? I would not.
281. *Mr. King.*] I understand you can give no idea as to the aggregate advances on shares? I could not give anything like an accurate amount at the present time; I would have to go over the whole of my books.
282. Can you give it approximately? I am sure it would certainly be under a couple of thousand pounds, taking the whole lot. That is leaving a wide margin. That would be spread perhaps over a couple of hundred shareholders.
283. Is it a fact that letters have been received from the Governor of New Caledonia by the Governor of this Colony, with reference to matters in connection with your bank, arising out of the case of the "Lark"? The solicitor of the bank, I think, would be better able to explain that.
284. Is it not a fact that letters have been received from the Governor of New Caledonia by the Governor of this Colony, on behalf of the law officials, complaining of the action of the Australian Banking Company in obtaining the release of the ship "Lark" from execution under a judgment of the court of Noumea, by promising, through their duly appointed agent, Mr. Loughnan, to pay £400, the amount of the said judgment, and the company refusing to pay the same, although the ship in the meantime had been released? This is the first time I have heard of these letters, but I know of the matter being in dispute.
285. Is it not a fact that Mr. Goudin, the holder of the said judgment in the court of Noumea, is now suing your bank here for £400? Yes; our solicitor has told me that he has accepted service of a writ therefor.
286. Is it not a fact that the bank have filed pleas denying ownership of the vessel, denying the power of attorney they gave Mr. Loughnan, and denying that they ever made such an agreement for obtaining the release of the ship? It is not. The "Lark" is trading for us at the present time, and at present is in Adelaide in our name.
287. Did not the bank, in fact, give Mr. Loughnan such a power of attorney? We gave a power of attorney, drawn by the solicitor. What powers were in it I cannot state. Mr. Bull will explain that.
288. Did not Mr. Loughnan draw on your bank for £400? Yes.
289. Was not the ship in consequence released, and did you not afterwards dishonour the draft? I dishonoured the draft on a letter from Mr. Loughnan, received before I received the draft, to the effect that the amount was not the correct amount, and not to pay it but to return it. I have his letter to that effect. I think Mr. Bull holds the letter at the present moment.
290. The evidence given by the auditors to-day did not appear to me to be very satisfactory. I wish to ask whether, as a matter of fact, Messrs. Davenport, Miles, & Co. ever declined to sign audit certificates for your accounts? They have not since I became manager of the institution. Their letters will show.
291. Will you produce their report on the bank? It is here.
292. *Mr. Molesworth.*] You promised the Committee last time that you would produce a list of the unpaid calls on shares that were due, and the several dates on which the amounts fell due;—are you in a position to do so now? I produce a list of the unpaid calls.
293. What was the amount of the unpaid calls upon the first issue? About £270.
294. How much on the second issue? About £280.
295. How much on the third issue? About £100.
296. Are these all the issues that have been made? Yes.
297. Have you had the affairs and security of this bank examined by several independent auditors? I have.
298. Are these the certificates which are before the Committee at the present time? Yes.
299. Do you notice that not one of these audits give any certificate as to the examination of securities? It is not usual for auditors to go through the securities. In nine banks out of ten they will either take the certificates of the directors of the company, or of a committee of the directors formed to go through the securities, or they will take the certificate of the solicitor.
300. Are you aware that they are all silent on the question of securities? No; I am not. Starkey and Taylor first went through the securities, because Mr. Abigail made them do so. I think these are the only auditors who did go through the securities.
301. Are they not silent on the question of securities? They say they checked the books, vouchers, and securities.
302. The certificate they give is that they found the books correctly kept? And the securities also. You would require to get practical valuers to go through the securities.
303. With reference to the balance-sheet of 30th June, 1890, are you aware that the auditors who signed the certificate state in that certificate that they examined the securities? Yes; they have so certified.
304. Do you know, as a matter of fact, that they did not examine the securities? They took the certificate of the chairman and his co-directors that they had examined them.

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M'Namara.
25 Nov., 1890.

305. Personally, you know that they did not examine the securities? Kent and Buck have not examined the securities, with the exception of taking the certificate of the chairman since I have been manager—I mean so far as placing a value on the securities. They have checked them during that period.

306. I want a definite answer: Are you aware that the auditors, Kent and Buck, had not examined the securities in connection with this last balance-sheet? They have not; but the securities have been examined.

307. Do you not think that their signing a certificate to that effect, when they had not examined the securities, was misleading the shareholders; No; I do not think so. It is done in several banks.

308. Is it not the duty of auditors to audit the action of the directors as well as of the other officers of the bank? I certainly think not. I think that if the shareholders have confidence in the directors, that is quite sufficient.

309. Are you aware that the principal object of appointing auditors is to check the management? Yes.

310. Do you not look upon the directors as the principal part of the management? As a board of advice.

311. Is not everything practically done under their authority? Everything. All transactions of any consequence are placed before the Board weekly.

312. *Mr. Garvan.*] Some portion of your formation expenses are still unpaid, I see by the balance sheet; but I presume that is not more than a reasonable proportion of it, considering the age of the institution? No; it is not more.

313. Are there any other outstanding obligations with reference to formation expenses? There is a certain amount in dispute at the present time which a select committee elected from the shareholders inquired into some time ago. I am almost certain that it is the intention of the directors to keep those shares that were supposed to be taken by those individuals in the first instance, and to write them off occasionally as portion of the formation expenses.

314. What is the gross possible amount in dispute not included in the balance sheet? I should say it is about £8,000.

315. Is that a claim made by somebody against the company? It is not a claim. It is an amount that was supposed to be given for the good-will of one of the companies taken over from Malcolm and Nathan. The shares were not issued, but we hold them pending the result of paying off the formation expenses. If they are treated as formation expenses, which I have not the slightest doubt the directors will do, the people entitled to them will receive the shares then.

316. Then, beyond the liabilities shown here, this other liability of £8,000 exists at the present time? Yes; there is the liability of £8,000, which is included in the balance sheet but not particularised. It is unnecessary to give the particulars on the balance sheet. The shareholders are well aware of the liability.

317. Do you think that this is a liability that will be paid by the company? I have no doubt at all about it. I think it is a very small amount. The matter is only on paper.

318. How is it that in submitting a balance sheet you omit a liability so well known or understood? It is not omitted. It is included in this amount called "Advance and expenditure account."

319. If that is an amount that has to be paid by the company, would the balance sheet be correct if you omitted that? Yes; perfectly correct to omit particulars. It is not formation expenses in the way you mean. It was really blackmail on the institution by these people, and we hold the shares until such time as these amounts are paid off every half year according to the Companies' Act.

320. By whom? Out of the profits of the company, of course.

321. There is this undoubted liability of a little over £8,000, for which you have made no provision in the balance sheet; but yet eventually it will be paid out of the profits? We have made no provision in the shape of stating particulars in the balance sheet; nevertheless, the amount is included in the aggregate figures in the balance sheet; it is secured by itself. The bank holds the shares.

322. I do not understand the term? The shares supposed to be taken by these people are held against this liability.

323. Would you explain the process, as it seems intricate to me? There was a special committee of the shareholders elected from the shareholders to inquire into this matter. It was an amount that was supposed to be received by Nathan and Malcolm, for the purchase, I think, of the Australian Financial Company. For that sale or transfer of the Australian Financial Company's business, they were entitled to this amount from the Australian Banking Company (Limited)—at least they thought so, and therefore they made out shares in their names to that amount.

324. For these shares, they are not to pay anything? No; we got the goodwill of the company for the shares. The shares were not issued to them; they were kept in the bank, and are held at the present moment against that amount, and will be paid from the profits of the institution from time to time each half year.

325. *Chairman.*] Do you in the meantime pay any dividend on those shares? No; not on all. We pay half dividend on about 500 shares transferred to one or two persons. The word "half dividend" is written on the face of the scrip.

326. They are dead stock? Yes, almost, for the present.

327. Does it depend upon your making profits whether or not you will pay off the amount? Yes; it is spread over the usual time under the Companies' Act. That matter rests entirely with the shareholders.

328. *Mr. Garvan.*] If you make profits you will pay this amount to them? Undoubtedly.

329. It is a liability not provided for in your balance-sheet? It is provided for, but it is not shown. It is a liability well known to the shareholders.

330. *Chairman.*] Is it contingent upon the profits justifying the payment that you will pay this? Yes.

331. I understand you that this claim is morally dead unless you make profits justifying you in paying it? Yes; with the exception of these shares that have already been transferred.

332. *Mr. Bull.*] Is it a fact that no course has been taken by the supposed holders of those shares to enforce payment? None.

333. *Mr. Garvan.*] In fact, then, they are in friendly relations with the bank? I cannot say that; they are not by any means.

334. If Malcolm and Nathan sued the bank at the present time, do you think that they would get a verdict? I think they would not.

335. Nevertheless, you say the bank recognises this obligation? They recognise it simply because it was the will of the select committee. They said, "It is better to recognise it in this way than to go to law about the matter." Mr. R. M'Namara.
336. Then the whole of the expenses in connection with the formation are those which are provided for, and this extra sum? Yes. 25 Nov., 1890.
337. In connection with the formation of this new bank, have you entered into any obligation to pay commission or expenses to anyone to float it, or any portion of it? No.
338. Did you not take some steps to float a portion of your capital in England? We were going to, but under certain circumstances we did not do so. They were private matters of the bank—to establish a branch.
339. If you had been successful in raising capital in London, were you to pay commission to anyone? We did not try.
340. Did you not try to raise any capital? We did not give any permission or power to any person else. There are no negotiations whatsoever at the present time through any brokers or any bank.
341. We have here, in the balance-sheet, assets represented by overdrafts, advances, and bills discounted, amounting to £177,367;—would you have any objection to giving a detailed statement of each item? Yes, most certainly. I think that is beyond the question altogether. Would you like to see your name on a bank ledger, with perhaps a debit balance for which certain security was held, made public. I think it would be very prejudicial to the interests of the bank to divulge any secrets of that kind.
342. Then, would you have a decided objection to giving details of the assets? Undoubtedly, of any man's private account. That is a matter of bank secrecy. I would be breaking a vow if I were to do so. There are bonds of secrecy signed by all bank officials.
343. Do you not stand in a different position to a bank newly floated, and asking for incorporation? Yes.
344. The assets of the bank in that case are cash in hand, while in this case you have your cash represented by certain assets which you say are good? Yes.
345. Are you aware that one of our special duties as a Committee is to report whether we believe that these assets are as good as cash? I really do not know what your duties are; but, I simply say they are as good as cash. I give sworn evidence to that effect, that the assets are perfectly sound as far as my judgment as manager is concerned.
346. As far as I can judge, one of the duties of the Committee will be to certify to Parliament that those assets are as good as cash. If we want detailed information as to the securities, in order to enable us to do that, do you say that, from your banking point of view, you would have an objection to give it? Yes; I certainly would not divulge the nature of any private individual's account.
347. Is there any objection to give this information to your auditors? Not the slightest.
348. It becomes a matter of right on their part to see them? Yes.
349. But yet, as a matter of fact, they did not see them on the last occasion? They did not see them on the last occasion, but I am quite certain that they saw them before.

FRIDAY, 23 NOVEMBER, 1890.

Present:—

MR. WYMAN BROWN,
MR. GARVAN,

MR. KING,
MR. LEE,

MR. MOLESWORTH.

J. F. BURNS, ESQ., IN THE CHAIR.

S. J. Bull, Esq., Solicitor, appeared on behalf of the promoters of the Bill.

Mr. Roderick M'Namara re-called, and further examined:—

350. *Chairman.*] You have had an opportunity of reading the evidence given before this Committee on a previous occasion? Yes. Mr. R. M'Namara.
351. Do you wish to supplement that evidence? No; I do not wish to add anything more than verbal alterations, which I now hand in. 25 Nov., 1890.
352. *Mr. Molesworth.*] Are there any proprietary or preferential shares granted in this company? No; they are all contributing shares.
353. When the company was first formed, were there any special concessions of material value, either in shares or in any other form, given to the previous holders of the business, Messrs. Malcolm and Nathan? That was the £8,000 we were speaking of at the last meeting of this Committee.
354. To whom was the £8,000 given? No money passed hands at all. The consideration was shares to be given to Malcolm and Nathan to that extent.
355. Were those shares given as paid-up shares? Yes.
356. Is that in addition to the nominal capital of the company? We put that down as formation expenses; that was explained to Mr. Garvan by me at a former meeting of this Committee.
357. *Chairman.*] Were those shares given contingent upon the business proving profitable, and thus enabling you to give a consideration for them? Yes.
358. *Mr. Molesworth.*] Referring to the certificate given by the auditors at the foot of the balance sheet for 30th June, 1890, do you notice that the auditors state they had examined the securities? Yes.
359. Do you know now, as a matter of fact, that they did not examine the securities on that occasion? Yes.
360. Did you state that they accepted a certificate under the hand of Mr. Abigail, the chairman of the company? Yes; I think they did.
361. Is it not a fact that Mr. Abigail was not in the Colony at that time? It is.
362. Then how was it possible that he could give a certificate at that particular date, when he was in England? He always left these things to me.
363. How could he tell the state of the securities at any given time? He could surely trust the management.
- 364.

- Mr. R. M'Namara.
28 Nov., 1890.
364. It is not a question of management, but the absolute state of the securities? The securities would not alter from that particular time up to the time of the balance.
365. Is it a fact that that certificate was given under the hand of Mr. Abigail, the managing director? Yes.
366. Is it not a fact that at the date of the balance sheet Mr. Abigail was absent in England? Yes.
367. How was it possible for a gentleman to give a certificate if he was not in the Colony? He leaves that certificate before he starts. He leaves it with his co-directors to be handed to the auditors as his certificate to the correctness of the securities.
368. How can anyone certify to the correctness of the securities prior to the date on which the certificate was supposed to be used? He can give that certificate, full well knowing that if there was any material alteration in the securities, I could rectify it and explain it to the auditors.
369. In point of fact, it would not then be his certificate? Yes; I do not see why that should alter it at all.
370. The certificate is supposed to be dated on the 30th June, 1890;—how is it possible for that certificate to be issued in March and be available for the 30th June? I consider that a certificate once a year is sufficient as to the valuation of the securities; perhaps once in two years it would be sufficient.
371. But does not that certificate apply to an examination of the securities on the 30th June? Yes; that is done by myself in this way, that I have surely something to say if there is any alteration.
372. I am speaking as to the certificate itself;—whose certificate is it? It is the chairman's certificate, and I am capable of altering it.
373. Capable of altering another person's certificate? I am capable of altering it in this manner: that I am managing the institution, and I know when an alteration ought to be made—when it is right, and when it is wrong.
374. In point of fact, you consider that you would be justified in altering the managing director's certificate as to the value of the securities? I think, if there was an alteration required I could make it—that is, if a security was lodged with me for an extra advance, or if a security was realised or the thing paid off.
375. *Chairman.*] Is any alteration made in the certificate from the time Mr. Abigail signed it, and its submission to the auditors? No; there is no alteration required.
376. *Mr. Garvan.*] What was the date on which Mr. Abigail left for England? I cannot recollect, but I think it was about the middle of March.
377. What date is to the certificate he gave you? I have seen the date, but I cannot recollect it at the present moment.
378. Was it dated in the month of March or earlier? I really could not say exactly. I do not think it makes very great difference so long as he gave it, and I acted up to the instructions he gave me when he left here. I have got my other directors to look to as well as to Mr. Abigail, and when he is not here he has his *locum tenens* appointed, and he has the same powers and privileges; and I consider that my directors are gentlemen who weigh matters in their minds. They do not do anything rash, or anything necessary to call for certificates of inquiry.
379. *Mr. Wyman Brown.*] Then, this was your certificate instead of that of Mr. Abigail? Should an alteration be required in the manner I have stated—that is, if a security had been realised, or a fresh advance made—then the alteration would be to that effect.
380. Surely it is not a common occurrence for a chairman of directors to give a certificate three months before it is necessary to use that certificate, and to allow the manager of the company to alter that as he likes during that time? There is no alteration actually in the certificate at all; it is a matter of alteration which has to be explained verbally to the auditors in case of the securities being changed.
381. *Mr. Garvan.*] From the date the chairman gave the certificate as to the securities until the date of your balance sheet, were there any new securities? There might have been small securities taken for small advances; but I do not consider that they ought to be classed with a certificate of that sort. They would not be of such consequence as to alter the work of the institution.
382. But was there not a gap of nearly four months from the time that Mr. Abigail left here in March, until the date of the balance-sheet in June; and were there no loans of any consequence from the date of the chairman's certificate until the date of closing your accounts? Not any loans that would require any alteration or fresh certificates.
383. Were there no fresh loans, and no new securities during that time? I really cannot tell you. I should want all my books before me to answer questions of that kind; and the institution has been managed by myself and a Board of Directors, and I think—although I do not say it simply because I am the manager—the institution has been managed equally as well as any institution on the same lines, or any other bank in Sydney; and it has been as carefully watched over by its directors. So far as the securities are concerned, when my directors do not think themselves capable of judging of the securities—when they lend on property—they immediately get Richardson and Wrench to value.
384. Is it not probable that, being a banking business, there would be, in the course of four months, some new loans? Not of any consequence. If there were new loans they would be dealt with by the Board, and the auditors would be perfectly satisfied by myself and the other directors that the securities were perfect.
385. *Mr. King.*] Will you have any objection to produce the chairman's certificate? The auditors have them; but I have heard that in the late fire they were burnt. If the certificate should be required I shall certainly get a copy of it.
386. *Mr. Bull.*] Is it a fact that at the time Mr. Abigail went away it was contemplated that there should be a reconstruction of the bank? Yes.
387. As a fact, was it absolutely and positively decided by the directors to do as little business as possible until the reconstruction of the company? Yes; and the shareholders also knew of it.
388. Will that account for the fact that there has not been any material advances made, or alteration in the securities during that period? Yes. When Mr. Garvan asked me a question about commission, or whether any steps had been taken to place new capital on the London market, I gave an answer to which I wish to add that when Mr. Abigail left here for London he had the sanction of the Board to the effect that he was to make inquiries as to the most practicable course to pursue if necessary to place a portion of the company's stock on the market. 389.

389. Was that for the limited company? Yes.

390. *Mr. Bull.*] Is it a fact that since then that has been altogether revoked, and Mr. Abigail has no power whatever to attempt to raise a loan from anybody? None; not for the Australian Banking Company of Sydney.

391. Nor anybody else? No.

392. *Mr. Lee.*] At your first examination you were asked whether you thought there would be any objection to call up an additional £25,000 before this Bill was passed. You said you thought there would be none. Have you since consulted the directors on that point? No; I have not consulted the directors on any matter in connection with this, and will not until such time as the whole thing is completed.

393. Can you give any additional evidence to the Committee as to whether the Company will call up this additional sum of £25,000? What we purpose doing, if necessary, and the directors approve of it, is to place £100,000 worth of shares on the market, and perhaps call up a portion of it, or as the case may be the whole; whatever the directors may decide.

394. The other question was with reference to the reduction of the permission to increase the capital to £1,000,000. Do you think there would be any objection to reduce that amount to a smaller amount, and have you consulted the directors on that point? I do not think we referred to that at all.

395. *Mr. Garvan.*] The last day you gave evidence there was a sum mentioned as likely to be paid to two gentlemen? I have given that information six different times.

396. You do not know what question I am about to ask. When the balance-sheets were prepared before were the auditors aware of that claim? Yes; and the shareholders also. A Select Committee was appointed by the shareholders two years ago, they inquired into this matter; and the shareholders were thoroughly well aware of the whole transaction from the start to the finish.

397. Would there be any objection to produce the report by that Committee? I think there would be an objection. I do not see why I should submit the report of such a Committee. I distinctly refuse to submit what I regard as purely a private matter as between the shareholders and the directors.

398. If your auditors wished to see a document of that kind, would you show it to them? They have seen it. Both Ford and Troup, and Kent and Buck have seen it.

399. Do you think that your auditors would be entitled to more information as to the affairs of the bank than this Committee would be? Most undoubtedly. This Committee cannot inquire into private individual's accounts I should think. At least I, as a banker, would say that I would not give it. I would give the outlines of anything in reason, but I do not think it is reasonable to ask for a private individual's accounts, or as to what may be in the bank.

400. Must you not bear in mind that you have come before the Committee in order to obtain this Committee's favourable report, and before we can report favourably you must be aware that we must be personally thoroughly satisfied? Yes.

401. Yet you refuse to give us some information which we may think necessary to thoroughly satisfy us? I refuse to give information of a private character that would be prejudicial to the interests of the institution.

402. I am not pressing for it, but I wish that we should fairly understand each other in the matter. It may be that members of this Committee might deem it necessary that this document should be produced in order to satisfy themselves; nevertheless, would you decline to produce it? As a banker I would decline to produce it until forced to do so by my board; and I think it is a thing that the board of directors of any monetary institution would not do; that is to say, to divulge the secrets of private business and of private individuals.

403. *Chairman.*] Am I right in understanding you to state that with respect to these paid up shares they form part of your formation expenses? Yes.

404. Do they form part of the amount entered in the balance-sheet as part of the formation expenses? That amount is a separate account; it is called Advance and Expenditure Account; and a portion of that would be taken according as we might make profit, and would be placed to the debit of the formation expenses, and it would be wiped off by the net profits of the Company until such time as the whole of it is disbursed.

405. Am I to understand also that your Board does not treat these shares as something they are under any obligation to meet until they are justified in doing so out of the profits? Yes.

406. They are not in the ordinary sense liabilities of the bank, and you do not treat them as liabilities? No; there were a few shares, a very few, transferred in the first instance before I was manager; they were transferred, and the innocent purchasers have taken profits in the usual way as if they were correct shares. I refer to persons who had purchased shares from Malcolm and Nathan before the bank took the step which it did.

407. *Mr. Molesworth.*] With reference to the shares held on account of Malcolm and Nathan, are they paid up or contributing? They are shares taken for the goodwill. They are taken up as fully paid-up shares, and they will be treated as fully paid-up shares when they are paid off in the manner I have mentioned.

408. In the meantime do they stand as paid-up shares? Yes.

409. A portion of which has been paid off as formation expenses? Yes.

Sydney John Bull, recalled and further examined:—

410. *Chairman.*] Do you wish to make an explanation with reference to the dispute about the ship "Lark"? I can tell the Committee that this is like any other commercial transaction. The bank owns this ship "Lark," she went to Noumea with a cargo of flour from Port Adelaide. On her voyage to Noumea she met with bad weather and damaged a little of the cargo. We found that the ship undoubtedly was attempted to be taken for any nominal thing they could get, and we sent a man down in our interest to watch our interests under power of attorney. When he was down there he found himself in such straits with the Noumean people, that he took upon himself to give certain orders of which he advised me, personally and otherwise, that he was bound to give so as to get the ship at all.

411. Orders for what? Orders drawn upon the bank.

Mr. R.
M'Namara.
28 Nov., 1890.

Mr.
S. J. Bull.
28 Nov., 1890.

Mr.
S. J. Bull.
28 Nov., 1890.

412. *Mr. King.*] To release the ship? I do not say that. I can safely say this, that had our attorney down there sufficient moneys to pay for the stores, he could have taken the ship away with the British Consul's advice, without paying these things at all. His only difficulty was that he was down there penniless, in a strange land, a perfect stranger amongst Frenchmen; he had no money with him, except to pay for his bare expenses, he was bound to secure his ship and he could not do it. Not only had he to give these orders, but he had to give other orders which we were advised by him were genuine, and which the bank paid, amounting to £200 or £300.

413. *Chairman.*] Did you dishonour some of the orders? We refused to accept those that Mr. King mentioned at the last meeting of this Committee, and there is an action now pending in the Supreme Court, Mr. Makinson acting for Goudin, the holder of this order, and without prejudice. I have offered Mr. Makinson £200 and all expenses, which I am advised by my attorney who went down there, is more than we ought to pay. If Mr. Goudin gets his verdict against the bank, I will guarantee he gets his money the next moment.

WEDNESDAY, 3 DECEMBER, 1890.

Present:—

MR. KING,	MR. WYMAN BROWN,
MR. MOLESWORTH,	MR. LEE,
MR. O'SULLIVAN.	

J. F. BURNS, ESQ., IN THE CHAIR.

F. Abigail, Esq., M.P., called in, sworn and examined:—

F. Abigail,
Esq., M.P.
3 Dec., 1890.

414. *Chairman.*] Are you chairman of the Australian Banking Company? Yes.

415. How long have you held that position? Since 1887.

416. Have you taken an active interest in the affairs of the bank? Yes.

417. Did you go to England in the month of March last? I left on the last day in February.

418. Before you left did you have the bank's securities produced to you, and did you examine them? Yes; before I left I went through the securities in order to be able to give the certificate I have been in the habit of giving. It was represented to me that when the auditors went through the books I could assist them if I went through the securities, and certified that I had done so.

419. Did you examine them for the period ending at the time at which you left? Yes; until January of this year.

420. Did you give a certificate? Yes; I left it with the manager of the bank.

421. Were you satisfied as to the amount represented as advances and overdrafts? Yes; they were based on Richardson and Wrench's valuation, and my experience is that they generally undervalue properties.

422. Would not that refer only to advances on real estate? Yes.

423. I presume you made advances on cash credits? Yes; in that case we got guarantee bonds.

424. Do you think that the amount that was entered on the bank's books, as representing liabilities due to the bank, under the heading of overdrafts and advances on cash credits, were fairly represented by the securities held? Yes; I think they were fairly covered by the securities.

425. In compliance with the wish of this Committee, has your bank had a further examination of the assets made during the last few days? Yes.

426. Did you appoint two auditors named Salmon and Twist specially to examine the securities? Yes; it was represented to me by the Chairman of the Committee, that they desired some well accredited parties to testify that they had seen the securities, and upon hearing that I instructed the manager to select some accountant firm to do that, and their certificate reached me to-day.

427. Did the manager choose Messrs. Salmon and Twist? Yes; Mr. Twist was the managing man for Starkey and Taylor, chartered accountants. Their certificate is as follows:—

109 Pitt-street, Sydney, 2nd December, 1890.

We have this day examined and compared the securities held by the Australian Banking Company of Sydney, consisting of deeds, mortgages, shares, scrip, &c., and find them to agree with the entries in the security book presented to us by the manager, with the exception of Nos. 23, 24, 29, 59a, 100, 109a, 110, 112a, 122, and 132, which are represented as being in the hands of the bank's solicitor, whose receipt for same were produced.

HORACE SALMON.
WM. TWIST.

Witness,—L. S. NORRIS, J.P.

The securities therein referred to as not being presented are in the hands of the solicitor who is negotiating the sale or transfer of the property.

428. Is the object of your bank in coming to Parliament with this Bill to get extended powers in order to raise additional capital, and to extend your business? Yes.

429. You believe that this Bill will be to the advantage of the bank? I think so; and to the advantage of the shareholders as well.

430. *Mr. O'Sullivan.*] In the evidence of Mr. M'Namara, the manager, it is stated that the amount of the actually paid up capital is about £100,700, and later on it is stated that according to the balance-sheet for the period ending June, 1890, overdrafts are shown to the amount of £139,000. With these facts before you, and with your knowledge of the securities, do you consider that the business is a safe one? Yes, certainly. I would like to explain to the Committee this fact, that I took an interest in this establishment at the urgent request of a number of people with whom I am acquainted who had taken up shares. I repeatedly refused to do so, but at last I consented. When I met the then Board I stated that I would not undertake to have any connection with the bank unless I was authorised to satisfy myself by special audits, in any way I thought fit, that the affair was sound. They gave me that permission, and I then employed Starkey and Taylor at, I think, 150 guineas to make a report. To further satisfy myself, I think we paid Davenport and Miles 250 or 300 guineas for a further report, and upon the reports of those two firms I could

could not but feel satisfied; and at the request of the shareholders I took an active part in the business. If I had consulted my own peace of mind I should have let it alone, because I have been made the victim of both personal and political attacks I am sorry to say in consequence of my connection with this establishment.

F. Abigail,
Esq., M.P.
3 Dec., 1890.

431. *Chairman.*] Are you quite satisfied yourself that the business is sound? Of course I am satisfied on the reports I have referred to from those two great firms.

432. A statement has been made with respect to what may be regarded as an outstanding claim that may not be admitted of £8,000 in connection with the foundation of the Company. Can you explain to the Committee whether there is any obligation on the part of your directors to recognise that claim? No; I apprehend there is no legal obligation; both the Board and the shareholders consider that there is a moral obligation. I may say, that when this thing first came under my notice that I was so indignant with this proceeding that I took Counsel's opinion as to whether I could not proceed criminally against those parties in connection with these particular shares, because I was very dissatisfied with the mode in which they had obtained them. Mr. Simpson, one of the leading Counsel, advised us that there was no ground whatever for criminal proceedings. I met the shareholders, and explained the whole of the circumstances to them, and they then decided that the matter should be dealt with as a moral claim, and paid off if the profits of the establishment would permit it, and carry the thing to formation expenses. That is the position. They believed that the profits would pay it, and so do I.

433. But you are only under a moral obligation to pay anything, and you do not feel called upon to enter any claim in your balance sheet, or to meet it in any way, except when you find it convenient to pay it from your profits? Yes.

434. *Mr. O'Sullivan.*] I suppose it is the practise for banks to sail pretty close to the wind in these matters? I do not know in what way you mean.

435. As a matter of fact are not their obligations very often temporarily greater than their assets? I do not know that. No doubt many banks at times make losses in their business like other establishments. The Mercantile Bank, as you know just a little time ago wrote off £100,000.

436. If the banks were suddenly called upon to meet all their liabilities and obligations, is it not a fact that very few of them could do so? There is no bank in the city which if called upon to pay the whole of its obligations in cash, could do so.

437. Although this amount of capital, which is paid up, is not very large if the business of your bank is safe, may we not regard it as a substantial institution? I think so. If you look at the list of shareholders you will find that it represents good and substantial men. The shareholders, I think number between 400 and 500. It is a list that will bear favourable comparison with the list of shareholders of any other financial institution in this Colony.

438. *Mr. Lee.*] Evidence has been given with reference to a certificate which you gave to the auditors prior to your leaving for England. It was shown that that certificate was dated some months before the date of the half-yearly meeting? It must have been given before the date of the half-yearly meeting, because I left in February.

439. Was it practically dated by your departure? The answer to that is that at that period the Board had decided to make no advances of any extent from that time until the half-yearly meeting. The Board had decided that no advance of a considerable sum should be made during the term, so that the securities would not be altered in any way. They might alter in value as far as the condition of the country was concerned, but they would not alter otherwise.

440. *Mr. Wyman Brown.*] Might not the amount be reduced by overdrafts being paid off? That did not occur.

441. *Mr. Lee.*] Were you in the habit of giving those certificates? I did so on two or three occasions under the conditions I have stated, although perhaps it was an unwise thing, and I would not do it again.

442. I am not going into that, but what I want to know is this. Did you give that certificate for any special or specific purpose? No.

443. Were you in the habit of doing so? Yes, it was simply following out a rule I had adopted.

444. If the auditors have sworn that they did not see the securities, would that be accounted for by the fact that they were in the habit of entrusting you to see the securities and give the certificate? Yes.

445. Are you clearly of opinion that that certificate was not given for any specific purpose occasioned by your leaving the Colony? Yes.

445½. *Chairman.*] In answer to a question put by Mr. Sullivan, you spoke of banks being unable to meet their obligations in cash. Is it within your knowledge that banks are in the habit of making advances based to a very large extent on their deposits, most of which are fixed? Yes.

446. So that it would not be possible to call upon a bank to pay the whole of its liabilities in cash? Yes.

447. Have you been doing your business in the ordinary way, and if you found that you had sustained any severe losses, would the bank write off a sum as equivalent to those losses? Yes.

448. Have you been conducting business in the ordinary way of banking by taking deposits? Yes. In reply to what has been said in Parliament, I desire to say that the bank is doing nothing in the way of bills of sale. It has not been doing anything of that kind since 1887. That was one of the conditions I made when I went on the board that nothing in the way of bills of sale should be entertained, but that it should be a banking business. As a matter of fact, I gave instructions at once to get rid of the four or five bills of sale then held, which was done at a loss in each case.

449. *Mr. Lee.*] Are you asking for power in this Bill to increase your capital to £1,000,000? Yes.

450. Can you offer any reasons why that very large power should be granted? I can offer no reason why the sum should be £1,000,000, except, perhaps, that it looks good on paper. My own impression is that there would be no objection to a reduction of that, if the Committee thought fit I should offer no objection. I do not think the bank is ever likely to get up to such an amount as that.

Mr. William Twist called in, sworn and examined:—

451. *Chairman.*] Are you a member of the firm of Salmon and Twist? Yes.

452. Have you had much experience in auditing accounts? I have been an accountant all my life.

453. Were you in the service of Starkey and Taylor? Yes, at one time. We were both chief clerks in that firm.

454. When they gave up business did you start as partners? Yes.

Mr. W. Twist.
3 Dec., 1890.

455.

- Mr. W. Twist. 455. Have you had much experience with regard to companies' accounts? Yes, a great deal.
 456. And also with regard to banks? Not so much banks as with regard to companies generally.
 3 Dec., 1890. 457. Have you during the last few days examined the mortgages, deeds, shares, scrip, and other securities of the Australian Banking Company? Yes.
 458. Is this your certificate which has been produced by Mr. Abigail? Yes.
 459. Did you find that the papers were produced to you in regular order, with the exception of those mentioned in your certificate? We compared all the securities with the security books, and we were satisfied that the securities were there with the exceptions already stated.
 460. Mr. King.] The Chairman asked if you were satisfied with the audit, and you replied that you were satisfied with the securities? We did not make an audit, we examined the security books, and all the securities were there.
 461. Mr. O'Sullivan.] Why did you not audit the accounts? We were not asked to do that. We were only engaged to examine the securities.

APPENDIX.

A 1.

[To Evidence of Roderick M'Namara.]

The Seventh Report of the Australian Banking Company (Limited), Sydney, to be presented to the Shareholders at the Half-yearly General Meeting to be held in Sydney, on Tuesday, 29th July, 1890.

THE directors have pleasure in submitting to the shareholders the following statement of the bank's affairs and abstract of Profit and Loss Accounts as on the 30th June, 1890.

The transactions for the half-year show a gross profit of £10,235 19s. 10d., and after making provision for interest on deposits, &c., as per Profit and Loss Account, there remains a net profit of £7,869 12s. 2d., which your directors propose to appropriate as follows:—

	£	s.	d.
To Dividend at the rate of 10 per cent. per annum	3,500	0	0
„ Written off formation expenses at the rate of 20 per cent. per annum, as allowed by clause 80 of the Joint Stock Companies Act	287	0	0
„ Reserve Fund (making it now £3,000)	500	0	0
„ Contingency Account	500	0	0
„ Balance carried forward	3,082	12	2

The directors congratulate the shareholders upon the satisfactory progress of the bank during the past half-year, and hope to receive from them a continuance of that personal co-operation which has already so materially assisted in forwarding the business of the bank. The Board of Management anticipate that the increased business of the ensuing half-year should result in a satisfactory and remunerative manner to the shareholders.

It will be the duty of this meeting to elect two directors in the room of William Bull, Esq., J.P., and Robert Cunningham, Esq., who retired by rotation, but are eligible for re-election, and offer themselves accordingly.

On the 21st June last Mr. John Mahoney retired from the Board of directors. The 19th June being the last meeting of the Board for the half-year, the vacancy has been temporarily filled by T. H. Hassall, Esq., M.L.A.; Mr. Hassall's term of office will expire in July, 1891.

Your directors have (for some time past) in contemplation the desirableness of increasing, at the same time of strengthening the Board of Directors, by appointing (with your sanction) two new directors, making the number seven instead of five. To simplify the working of the Board, it will be necessary for the newly appointed directors to seek re-election at the general meeting, to be held in July, 1891.

During the half-year a branch of the bank has been opened at Goulburn, under the management of Mr. C. H. Atkinson, with a view to the ultimate extension of the operations and business of the Bank to the larger centres of population throughout the Colony.

For and on behalf of the Board of Directors,

SAMUEL G. DAVISON,
Chairman.

THE AUSTRALIAN BANKING COMPANY, LIMITED.

Dr.

Balance-sheet to 30th June, 1890.

Cr.

LIABILITIES.					ASSETS.				
		£	s.	d.			£	s.	d.
To Nominal capital	250,000	0	0		By Overdrafts and Ad- vance on Cash				
„ Capital subscribed	150,375	0	0		Credit Account, &c	139,387	0	4	
„ Deduct uncalled capital	50,126	6	0		„ Bills discounted	37,980	3	10	
				100,248	14	0			
„ Current account credit balances				8,316	4	11			
„ Fixed deposits				55,902	6	10			
„ Australian Joint Stock Bank				6,547	5	0			
„ Sundry creditors (Dividend Suspende Account)				387	15	10			175,538
„ Sundry creditors (Balance Dividend Account)				548	16	3			2,870
„ Profit and Loss Account				7,869	12	2			1,724
„ Reserve fund				2,500	0	0			3
									95
									12
									3
									2,080
									6
									3
				£182,320	15	0			£182,320
									15
									0

PROFIT

Dr.		PROFIT AND LOSS ACCOUNT.				Cr.		
		£	s.	d.	£	s.	d.	
To Interest paid and accrued...					By Balance brought forward from last half-year	2,221	0	3
„ Printing and stationery.....	148	13	4	2,788	17	6		
„ Charges.....	126	18	4					
„ Law expenses	10	18	1					
„ Rent, rates, and insurance	391	5	0					
„ Salaries and Guarantee premiums	712	11	0					
„ Advertising.....	215	11	4					
„ Directors' fees.....	192	13	4					
„ Balance.....				1,798	10	5		
				7,869	12	2		
				£12,457	0	1		
								£12,457
								0
								1

Which your Directors recommend should be appropriated as follows:—		£	s.	d.	By Balance brought forward		£	s.	d.
To Dividend at the rate of 10 per cent. per annum		3,500	0	0			7,869	12	2
„ Written off formation expenses at the rate of 20 per cent. per annum, as allowed by clause 80 of the Joint Stock Companies Act.....									
„ Reserve fund									
„ Contingency Account									
„ Balance carried forward		3,082	12	2					
		£7,869	12	2			£7,869	12	2

RESERVE FUND.

To Balance		£	s.	d.	By Balance		£	s.	d.
		3,000	0	0			2,500	0	0
					„ Appropriated present half-year.....		500	0	0
		£3,000	0	0			£3,000	0	0

We have examined the foregoing aggregate balance-sheet made up to the 30th June, 1890, and report that we find the several items therein stated to conform with the balances in the general ledger, &c. We have counted the cash and examined the bills and other securities held by the bank on the 30th June, 1890, and hereby certify that we have found them correct. We further certify that, in our opinion, the said aggregate balance-sheet is properly drawn up, and exhibits a true and correct view of the bank's affairs, as shown by the books of the 30th June, 1890.

CHARLES KENT, }
GEORGE ALFRED BUCK, } Auditors.

LIST OF SHAREHOLDERS.

Allen, C., Sydney	Byrne, F., Dalton	Cooper, J., Sydney	Elworthy, W. J., Narandera
Arnold, J. M., Sydney	Brett, A. A., Sydney	Creer, J., M.L.A., Summer Hill	Elworthy, E. H., Narandera
Ackermann, J., Hill End	Blair, R., Pyrmont	Davey, F., Sydney	Elworthy, E. G., Parkes
Adams, S., England	Brougham, J. W., Wilcannia	Donohoe, E. M., Goulburn	Fernley, D., Sydney
Arkininstall, T., Balmain	Bolter, M. T., Woolloomooloo	Douglas, A., Melbourne	Fernley, J., Sydney
Armstrong, J., Sydney	Bird, W., England	Douglas, G., Melbourne	Fell, M., Monkerai
Ackermann, W., Hill End	Bingham, J. T., Tasmania	Derham, H. A., Melbourne	Fergusson, J. A., Manly
Ackland, T., Hill End	Busby, T., Brisbane	Derham, C. W., Melbourne	Fitzpatrick, D. J., Cairns (Q.)
Abigail, F., Sydney	Brandon, H., England	Dodd, J., Tumut	Finney, R., Cowra
Abigail, J., Sydney	Brown, A. H. L., Melbourne	Dunnie, H., Newcastle	Fisher, J., Melbourne
Armstrong, W., Taree	Barrett, H., Newcastle	Davison, E., Leichhardt	Foyster, T. H., Wellington
Aspinall, J. J., Sydney	Barry, M., Woollahra	Davison, E. J., Annandale	Fraser, W., Tenterfield
Allen, Joseph, Seven Hills	Batty, S., Sydney	Davison, S. G., Annandale	Fisher, J., Granville
Asher, J. H., Chippendale	Beezley, P. F., Goulburn	Dark, E., Surry Hills	Francis, A. E., Newtown
Anderson, J., Sydney	Brodie, M., Taradale (V.)	Darch, R., Sydney	Findlay, R., Wodonga
Airey, G. J., Paddington	Brown, R., Newcastle	Davis, C., Hay	Fyfe, A. H., Melbourne
Alderdice, A., Beechworth (V.)	Bull, W., Glebe	Daunt, E. R., Sydney	Firth, T. R., Arncliffe
Allison, W. M., Carngham (V.)	Bech, A., Sydney	Denton, A., St. Kilda (V.)	Flude, H., Sydney
Angwin, Rev. T., Colac (V.)	Bishop, D., Raymond Terrace	Dixon, C., Sydney	Freshney, E., Maryborough (Q.)
Abigail, M. A., Annandale	Cole, F. R., Wollongong	Davis, R., England	Fisher, R., Sydney
Abigail, C. J., Annandale	Clark, S. J. S., Woolloomooloo	Dawbarn, M., Sydney	Fergusson, Mrs. A. E., South Head
Abigail, E., Annandale	Cloße, J. W., Goulburn	Dixon, A., Sydney	Graham, J., Seymour (V.)
Abigail, M., Annandale	Clouting, J. R., Enmore	Day, W. H., Richmond	Griffin, G. H., Wollongong
Bobardt, J., Paddington	Cunningham, R., Sydney	Daplyn, A. J., Sydney	Gunning, G. A., Mount M'Donald
Brandon, R. J., Waverley	Chambers, W. T., Sydney	Dowell, W. S., Sydney	Grice, W., Bundanoon
Brown, J., Woolloomooloo	Cook, S. V., Allansford (V.)	Ewing, J. P., Woollahra	Gainer, E., Ashfield
Brown, W., Arncliffe	Craig, C. H., Hotham (V.)	Ellicott, R., Inverell	Groves, S., Tumut
Bird, William, England	Clapperton, F. W. (Q.)	Elder, W. J., Cargo	Glass, Miss R. J., Walgett
Burke, P., Balmain	Clancy, F. J., Coonamble	Eades, G., New Zealand	Giddy, H. T., Cootamundra
Barrington, A., Newcastle	Cable, F. W., Rooty Hill	Edwards, M., Newcastle	Glyde, H. A., Deniliquin
Bartlett, G. P., Yaminga	Coming, M., Willow Tree	Edmonds, W., Sydney	Gifford, W. J., Katoomba
Baget, T., Sydney	Cambourn, J., Cootamundra	Ellicott, Mrs. R., Inverell	Galloway, F., Townsville (Q.)
Barnett, Mrs. A., Bourke	Creagh, W., Burwood	Edwards, J., Newcastle	Gammon, G., Beechworth (V.)
Bramley, H., Windsor (V.)	Chapple, C., Bateman's Bay	Eccles, M., Braidwood	Gash, J. T., Bowral
Brown, J. E., Sydney	Cottingham, J. H., Condobolin	Elliott, E. R., Melbourne	Green, H. E., Illabo
Beer, D. L., Bowral	Carleton, W., Darlinghurst	Egan, R. J., and Marten, E. D., England	Green, Miss C. A., Sydney
Bain, Rev. W., Newcastle	Collins, A. M., Whittingham	Edwards, M., T. D. P., and J. M., Newcastle	Hetherington, R. R., Kangaroo Valley
Bryant, G. H., Hill End	Cullen, M., Mudgee	Elworthy, H., Gundagai	Hayes, A. P., Burrawang
Boyd, T., Rydal	Crouch, R. A., Prahran (V.)	Elworthy, A., Gundagai	Hinsch, J. C. W., Liverpool
Booty, E. W., Coolamon	Cumming, W., Victoria	Elworthy, H. and E., Gundagai	Hillson, E., Tocumwall
Bartlett, C., Burrawang	Crouch, G. A., Prahran (V.)		Hochhut, P., Riverstone
Bartlett, W., Burrawang	Crouch, S. D., Prahran (V.)		Haynes, M. A., Moss Vale
Byrnes, F. J., Clarence River	Combs, W. A., Sydney		

Hansen,

Hansen, J., Clarence River	Lawrence, W., Para Meadows	McClatchie, A. H., Sydney	Smith, E., Redfern
Hill, H. W., Tumut	Lintott, W. H., Leichhardt	Moore's, H., Blue's Pt., N. Shore	Seymour, L., Bathurst
Huggart, W. J., Goulburn	Maddison, G., Sydney	Newland, W. O., Enmore	Squires, J. H., Sydney
Heanchain, W., Sydney	Mitchell, R. A., Parramatta	Noble, W., Narellan	Stephenson, Jas., Forbes
Hellyar, H. J., Woollahra	Moffitt, W. C., Gerringong	Naylor, F., Darlinghurst	Scott, Robt., Newcastle
Hurley, John, Sydney	Mosely, Mrs. R. E., St. Kilda (V.)	Newman, F. W., Tumut	Sparks, Mrs. J., Parramatta
Harding, H., Tamworth	Morris, H., Wilcannia	Norrie, Geo., Lewisham	Simpson, G. A., Brewarrina
Hoey, J. (and wife), Balmain	Martin, J. F., Waverley	Neville, R., Darlington	Stacey, W. W., Terry-hie-hie
Hancock, T., Bathurst	Mathew, A., Sydney	Nobbs, Jno., M.L.A., Sydney	Shapland, J., Waratah
Holston, M. T., Adaminaby	Moore, T., Tumut	Oates, T., Crown-street	Staff, E., Burton-on-Trent
Hearne, S. J., Petersham	Mullally, T. J., Aramac (Q.)	Olson, J. P., Grenfell	(Eng.)
Hendy, W. O., New Zealand	May, Otho, Tilba Tilba	Oddy, J., Ivanhoe	Shroeder, F. A., Carron (V.)
Hammett, P. E.	Morris, Miss L., Townsville (Q.)	O'Flaherty, J., Tamworth	Stevenson, Jno., Sydney
Herbert, W. P., Ingham (Q.)	Martel, C., Sydney	Osborne, W. J., Bowral	Stevenson, R. F., Sydney
Holden, M., Inglewood (V.)	Mahoney, W., Sydney	Oliver, R. H., Goulburn	Stone, Miss A., South Yarra (V.)
Harkin, M., Cowwarr (V.)	Millie, Mrs. M., Carisbrook (V.)	Pointing, A., Paddington	Syer, F. W., Sydney
Hogg, J., Sydney	Maher, D. J., Dubbo	Parkes, Mrs. M., Raglan	Sutherland, Mrs. C., Mossman's Bay
Hill, Rev. W., East Maitland	Murphy, Lieut.-Col. M., Paddington	Parkes, J., Raglan	Sharpe, H., Sydney
Hall, A. E. A., Waratah	May, A. C., Colac (V.)	Polson, C. H., Tamworth	Strong, J., Balmain
Hilly, Miss F. M., Yass	Mahoney, Jno., Rushcutter's Bay	Perram, H. C., Paterson River	Turner, A., Redfern
Hawke, Mrs. S., Newtown	Marsden, C. G. N., Sydney	Paterson, G., Richmond River	Tooley, W., Poowong (V.)
Hill, W. H., Ashfield	McNamara, R., Sydney	Paterson A., Strawberry Hills	Tilson, J. W., Paddington
Hassall, T. H., M.L.A., Sydney	Monteath, G. H., Sydney	Pike, J. H., Newcastle	Taylor, L. G., Coolamon
Johnston, J., Hurstville	Martin, C. W., Sydney	Plunkett, T., Muswellbrook	Taylor, F., Milton
Johnston, Mrs. S. J., Tumut	Martin, T. A., Noumea	Pugh, W. H., Warwick (Q.)	Trasey, A. D., Leichhardt
Jenkins, E., Manly	Munro, J.	Palser, H. P., Sydney	Thomas, D., Erskine-street, Sydney
Jenkins, M., Manly	Marks, W. B., Sydney	Porter, J. F., Leichhardt	Thomas, F. G., Daylesford (V.)
Jenkins, J., Manly	Matthews J., Goulburn	Pooley, Mrs. C. E. H. D. P. H., Pott's Point	Terrell, W. G., Echuca (V.)
Jenkins, E., Balmain	Matthews, Hy., Goulburn	Pickford, T. J., Sydney	Terrill, F. H., Ovens (V.)
Jenkins, M., Balmain	Mellin, L. T., for Mellin, Dora, Sydney	Purser, J., Newcastle	Tighe, A. J. R., Sydney
Kook, H., Narrandera	McLeod, H. C., Clarence River	Prescott, H. S., Petersham	Trimmer, L. M., Hawthorne (V.)
Kinder, G., Newtown	McLeod, Ida J., Clarence River	Purves, J. W., Glebe	Thompson, S. S., Genoa (V.)
Kiley, P., Tumut	McLeod D. K., Clarence River	Quinn, J., Sydney	Thomson, J. C., Waterloo
Kidd, J., M.L.A., Camden	McKye, A., Potts Point	Roper, J., Petersham	Taylor, C., Pymont
King, G. J., Balmain	McShane, C., Currawang	Rouse, H. E., Bathurst	Taylor, Mrs. F., Pymont
Kinchela, P., Nambucca	McClinchie, Rev. A., Granville	Robinson, T., Tacking Point	Vann, J., Sydney
Kinsley, H. H., Clarence River	McNab, L. K., Yarra, Melbourne	Roberts, G. S., Nowra	Vincent, T. A. T., Albury
Kerr, A. A., Goulburn	McGillivray, —, Tumut	Russell, A., Hamilton	Vallender, J., Dawes' Point
Lloyd, D. L., Sydney	McKinnon, A., Tumut	Ranken, D. S., Tumut	Whitelaw, P., Paddington
Lawrence, J., Glebe	McNeill, S., Woolloomooloo	Ranken, A.	Wiseman, R. A., Bundarra
Lane, Mrs. M., Sydney	McDonald, A., Tumut	Reilly, J. J., Newtown	Witts, H., Bathurst
Lines, J.	McIlwraith, J., Dubbo	Rees, A. T., Burwood	Walker, G. B., Sydney
Lee, Mrs. M., Queanbeyan	McDougall, S., Alpha (Q.)	Rigby, F., Sunny Corner	Walker, A., Waverley
Layman, A. W., Surry Hills	McPherson, Mrs. Jane (V.)	Ross, Don., Newmarket (V.)	Willoughby, Jas., England
Lindfield, Mrs. J., Orange	McArthur, P., Woolloomooloo	Roberts, H. C., Sydney	Wilson, H., Golden Grove
Lambert, J., Tumut	McInnes, H., Heglupet, Darlington Point	Richards, C. W., North Shore	Walker, W., Wilcannia
Lewis, A., Harrow (V.)	Maconald, R., Gilmore	Radford, J. M., Petersham	Webster, W., Newtown
Lloyd, A. M., Sydney	McKeon, M., Sydney	Rheuben, Mrs. P. M., Cowra	Wilson, William, Yea
Leaney, M., Redfern	Marshall, R., Sydney	Strong, H. W., Paddington	Williams, C. H., Tasmania
Lehmann, A. G., Dimboola (V.)		Simpson, J. F., Grenfell	Winter, W., Tasmania
Lyons, Mrs. M. A., Waterloo		Stace, R. A., Wellington	Worsley, F. P., Gippsland (V.)
Leslie, M., Coburg (V.)		Stimson, W., Sydney	Waddell, Jno., Gippsland (V.)
Linard, H., Violet Town (V.)		Skelton, F., Alexandria	West, J. E., Woolloomooloo
Larsen, G., Sydney		Sharam, E., Hillston	Warner, J., Sydney
Lamb, J. S., Prahran (V.)		Steel, R., Wedderburn (V.)	Weaver, R., Sydney
Lynch, J., Copperfield (Q.)		Smith J., Blayney	
Lock, F., Double Bay		Scott, Jno., Sydney	
Lambert, George, Randwick		Sweetman, A. M., Paddington	
		Sharp, F. T.	

A 2.

(To Evidence of Roderick M'Namara.)

WEEKLY STATEMENT showing the amount and nature of the debts, engagements, and liabilities, and of the assets and property or securities of the Australian Banking Company (Limited), from the 22nd September to the 29th September, 1890.

Liabilities.				Assets.			
		Amount.	Totals.			Amount.	Totals.
		£ s. d.	£ s. d.			£ s. d.	£ s. d.
Notes in circulation	Not bearing interest	Nil.	.....	Coined gold and silver and other coined metals			1,843 14 9
	Bearing interest				Bank premises account	2,500 0 0	
Bills in circulation	Not bearing interest	Nil.	.....	Notes and bills in other banks	3,944 15 0		6,444 15 0
	Bearing interest			Balances due from other banks .....	.....	.....
Balances due to other banks...			3,749 13 5	Amount of all debts due to the Bank, including notes, bills of exchange, and all stock and funded debts of every description, excepting notes, bills, and balances due to the said bank from other banks ...	.....		161,581 1 2
Deposits ...	Not bearing interest	4,116 1 2	.....	Total amount of Assets ...£	.....		169,869 10 11
	Bearing interest	58,282 12 1	62,398 13 3				
Total amount of Liabilities £		.....	66,148 6 8				

Pitt and Market Streets, Sydney.

SAMUEL G. DAVISON, Managing Director.
R. M'NAMARA, General Manager.

APPENDIX.

25

A 3.

[To Evidence of Roderick M'Namara.]

WEEKLY STATEMENT showing the amount and nature of the debts, engagements, and Liabilities, and of the Assets and property or securities of the Australian Banking Company (Limited) from the 11th November, to the 17th November, 1890.

Liabilities.			Assets.				
		Amount.	Total.			Amount.	Total.
		£ s. d.	£ s. d.			£ s. d.	£ s. d.
Notes in circulation	{ Not bearing interest .....	.....	.....	Coined gold and silver and other coined metals			1,303 3 7
	{ Bearing interest .....	.....	.....	Bank premises account	2,500 0 0		
Bills in circulation	{ Not bearing interest .....	.....	.....	Notes and bills in other banks	3,022 2 5		5,522 2 5
	{ Bearing interest .....	.....	.....	Balances due from other banks .....	.....		.....
Balances due to other banks...		.....	2,164 3 3	Amount of all debts due to the bank, including notes, bills of exchange, and all stock and funded debts of every description, excepting notes, bills, and balances due to the said bank from other banks....	.....		163,321 3 0
Deposits	{ Not bearing interest	2,886 12 2		Total amount of assets ...£	.....		170,146 9 0
	{ Bearing interest	60,528 18 7	63,415 10 9				
Total amount of liabilities ...£		.....	65,579 14 0				

S. G. DAVISON,
Director.
R. M'NAMARA,
General Manager.

Pitt and Market Streets, Sydney.

C 1.

[To Evidence of Roderick M'Namara.]

Warne and Reid's Buildings, 34, York-street, Sydney, 20 July, 1887.

Dear Sirs,

We have to certify that, at the request of the directors of the above Company, we have examined and checked the books, vouchers, and securities from the date of registration, 20th June, 1886, to the 20th of July, 1887, and find the books well and correctly kept in every particular.

Yours, &c.,
STARKEY AND TAYLOR.

To the Directors of the Australian Banking Co. (Limited), Sydney.

C 2.

[To Evidence of Roderick M'Namara.]

Moore-street, Sydney, 13 February, 1888.

Gentlemen,

Herewith we beg to hand you balance-sheet and profit and loss account to 31st December, 1887, duly certified to by us, and also an explanatory memorandum, showing how our figures are arrived at, and enabling you to compare them with your books.

As we have not yet received the counsel's opinion asked for by us, with reference to the 3,000 shares issued to the Provisional Directors, we have treated them in the accounts as legally issued, and have made a reservation in respect thereof in the certificate at the foot of the balance-sheet.

A minute of your Board has been shown us, resolving to treat all expenditure to 30th April, 1887, as formation expenses; but we have been unable to accept this basis for the accounts. We have, however, caused the expenditure of the Company to be analysed, and have apportioned to formation expenses such items as we consider properly chargeable thereto.

You will observe that we have allowed for bad debts a sum of £1,000 over and above those marked as bad by your Committee. We have done so after careful consideration, and think it a fair allowance to make. The same remark will apply to the rebate on bills discounted, which we have calculated at the rate of 10 per cent. per annum.

Our report of 5th December last is so recent that it is unnecessary for us now to enter into any detail, but we may say that we have found the books in satisfactory order as regards entries made between the 1st November and 31st December last.

We are, &c.,
DAVENPORT, MILES, & Co.,
Public Accountants.

To the Directors of the Australian Banking Company (Limited), Sydney.

C 3.

[To Evidence of Roderick M'Namara.]

Dear Sir,

Beresford Chambers, Castlereagh-street, Sydney, 20 July, 1888.

As verbally explained yesterday to Mr. Scott and yourself, we are not responsible for the correctness of the balances brought down at 1st January, '88, nor for the correctness of items charged to the various accounts; but we have pleasure in saying that we counted Teller's cash and coin in Treasury on 30th June, and have checked the sub. and main additions of the Teller's Cash Book, the postings from Cash Book to General Ledger, and compared the balances of the General Ledger with the schedules of balances in the Current Account Ledger and the Advance Ledger, and found all correct.

Find balance herewith.

Yours, &c.,
FORD AND TROUP.

R. M'Namara, Esq., Acting Manager, The Australian Banking Company (Limited), Sydney.

806—D

C 4.

C 4.

[To Evidence of Roderick M'Namara.]

Beresford Chambers, Castlereagh-street, Sydney, 12 January, 1889.

Gentlemen,

We beg to certify that we have counted Teller's cash and coin in Treasury, 31 December, 1888; have checked the postings from Cash Book to General Ledger; compared the balances of the General Ledger with the schedules of balances in the Current Account and Advance Ledgers; checked the bills discounted in the hands of the company, at 31 December, and obtained a certificate for those lodged with the Commercial Banking Company; checked past due bills in the hands of the company; for those held by solicitors, we have obtained certificates, with the following exceptions, viz. :—

For whom discounted.	Acceptor or Drawer.	Amount.
Goldsmith, B.	Kerchner, C. J.	£240 5 0
Gregg, J. M.	Blousten, H.	25 0 0
Edmunds, W.	Tudgay, J.	8 4 2
McIntyre, H.	Cornish, C.	25 0 0
Hogg & Co.	Cook, H.	38 15 3

Compared Deposit Register with accounts in General Ledger. Agreed Share Register with list of shareholders, and checked transfer of shares to 31st December, 1888, and, with exceptions mentioned, have found all of same correct.

The amount at the credit of the Company's account with Commercial Banking Company we have verified by obtaining a certificate therefrom. Referring to our further report,

We are, &c.,
FORD AND TROUP.

To the Directors of The Australian Banking Company (Limited), Pitt-street, Sydney.

C 5.

[To Evidence of Roderick M'Namara.]

Gentlemen,

Pomeroy Chambers, Castlereagh-street, Sydney, 10 July, 1890.

This is to certify that we have audited the books, vouchers, &c., of your Bank for the six months ending, the 30th June, 1890, and find the same to agree with the balance-sheet handed to us. The books are kept in a satisfactory manner.

We remain, &c.,

GEORGE ALFRED BUCK, } Auditors.
CHARLES KENT, }

To the Chairman and Directors, Australian Bank.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BLAYNEY MUNICIPAL COUNCIL ENABLING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 October, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER,

1890.

1890.

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.**

VOTES No. 75. THURSDAY, 16 OCTOBER, 1890.

3. **BLAYNEY MUNICIPAL COUNCIL ENABLING BILL** (*Formal Motion*):—Mr. Garland moved, pursuant to Notice,—
- (1.) That the Blayney Municipal Council Enabling Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Plumb, Mr. Wall, Mr. Cullen, Mr. Dalton, Mr. Frank Farnell, Mr. Walker, Mr. Vivian, Mr. Teece, and the Mover.
- Question put and passed.
-

VOTES No. 77. WEDNESDAY, 22 OCTOBER, 1890.

6. **BLAYNEY MUNICIPAL COUNCIL ENABLING BILL**:—Mr. Garland, as Chairman, brought up the report from, and laid upon the table the minutes of proceedings of, and evidence taken before the Select Committee, for whose consideration and report this Bill was referred on 16th October, 1890, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
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1890.

BLAYNEY MUNICIPAL COUNCIL ENABLING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 16th October, 1890, the "*Blayney Municipal Council Enabling Bill*,"—beg to report to your Honorable House :—

That they have examined the witness named in the margin* (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill as agreed to by them.

CHAS. L. GARLAND,
Chairman.

*No. 3 Committee Room,
Sydney, 22nd October, 1890.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 22 OCTOBER, 1890.

MEMBERS PRESENT :—

Mr. Garland,	|	Mr. Wall,
Mr. Frank Farnell,	|	Mr. Plumb.

Mr. Garland called to the Chair.

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

Printed copies of the Bill *referred*, together with original Petition to introduce the same, before the Committee.

John Plumb, Esq., M.L.A. (*a member of the Committee*), sworn and examined in his place
Preamble considered.

Question,—“That this Preamble stand part of the Bill,” put and passed.

Bill read and *agreed* to.

Title read and *agreed* to.

Chairman to report the Bill without amendment to the House.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BLAYNEY MUNICIPAL COUNCIL ENABLING BILL.

WEDNESDAY, 22 OCTOBER, 1890.

Present:—

Mr. GARLAND,		Mr. PLUMB,
Mr. FRANK FARNELL,		Mr. WALL.
C. L. GARLAND, ESQ., IN THE CHAIR.		

John Plumb, Esq., sworn and examined:—

1. *Chairman.*] You are a ratepayer of the town of Blayney? Yes.
2. And an ex-alderman and mayor of the town? Yes.
3. You are aware that the Municipal Council has neglected to comply with the 64th section of the Act, which requires an estimate to be made of the probable amount required during the current year for the various works set forth in that clause? Yes, and I believe it was occasioned through the suicide of the council clerk.
4. *Mr. Wall.*] There was an assessment made, I suppose, but it was not made within the prescribed time? That is so. The council clerk who preceded the present clerk committed suicide, and his accounts were always in arrears.
5. *Chairman.*] And when the Council sued certain ratepayers for rates this technical objection was raised, and proved fatal to the legality of the claims of the Council for rates? Yes; they evaded the payment on a technical point. I know I paid my rates, and I heard several ratepayers say they would not pay; that there was a technical objection in the way, and they would evade payment by taking advantage of that technicality.
6. And the Municipal Council now seeks to have the rates for those years validated? Yes.

John Plumb,
Esq.

22 Oct., 1890.

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BOROUGH OF NEWCASTLE ELECTRIC-LIGHTING
BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
16 *July*, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 30. THURSDAY, 3 JULY, 1890.

5. BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL (*Formal Motion*):—*Mr. Melville*, for *Mr. Alexander Brown*, moved, pursuant to Notice,—
- (1.) That the Borough of Newcastle Electric Lighting Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Bruce Smith*, *Mr. Fletcher*, *Mr. Hugh Taylor*, *Mr. Creer*, *Mr. Ritchie*, *Mr. Curley*, *Mr. Joseph Abbott*, *Mr. Hassall*, and *Mr. Alexander Brown*.
- Question put and passed.

VOTES No. 31. TUESDAY, 8 JULY, 1890.

5. BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL:—
- (1.) *Mr. Cullen* presented a Petition from certain Directors of the Newcastle Gas and Coke Company (Limited), referring to their previous Petition, and praying for leave to be heard by Counsel before any Select Committee appointed by, or, if need be, at the Bar of the House, against the Borough of Newcastle Electric Lighting Bill.
- Petition received.
- Mr. Cullen* (*by consent*) moved, without Notice, That the prayer of the Petitioners, to be heard by Counsel before the Select Committee on the Bill, be granted.
- Question put and passed.
- (2.) *Mr. Cullen* then presented a similar Petition from certain Ratepayers of the City of Newcastle.
- Petition received.
- Mr. Cullen* (*by consent*) moved, without Notice, That the prayer of the Petitioners, to be heard by Counsel before the Select Committee on the Bill, be granted.
- Question put and passed.

VOTES No. 35. WEDNESDAY, 16 JULY, 1890.

12. BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL:—*Mr. Alexander Brown*, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and Report this Bill was referred, on 3rd July, 1890; together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
- * * * * *

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1890.

BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 3rd July, 1890, the "*Borough of Newcastle Electric Lighting Bill*," and to whom were also referred, on 8th July, 1890, the *Petitions of "certain Directors of the Newcastle Gas and Coke Company (Limited)" and "certain Ratepayers of the City of Newcastle," praying for leave to appear by Counsel before the Select Committee,—beg to report to your Honorable House :—*

That they have examined the witnesses named in the list* (whose * See List, p. 4. evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

ALEXANDER BROWN,
Chairman.

No. 3 Committee Room,
Sydney, 16 July, 1890.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 9 JULY, 1890.

MEMBERS PRESENT:—

Mr. Alexander Brown, | Mr. Curley,
Mr. Hugh Taylor.

Mr. Alexander Brown called to the Chair.

Entry from Votes and Proceedings appointing the Committee, and referring Petitions from certain Directors of the Newcastle Gas and Coke Company (Limited) and from certain Ratepayers of the City of Newcastle, read by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, and original Petition referred, before the Committee.

Present:—W. H. Baker, Esq. (*Solicitor for the Bill*); H. J. Brown, Esq. (*Solicitor for the Petitioners against the Bill*).

Edward Scott Holland (*Newcastle Council Clerk*) called in, sworn, and examined.

Witness produced copy of contract between the Newcastle City Council and Kirkland & Co.

Witness withdrew.

Committee deliberated.

[Adjourned to Wednesday next, at Ten o'clock.]

WEDNESDAY, 16 JULY, 1890.

MEMBERS PRESENT:—

Mr. Alexander Brown in the Chair.
Mr. Creer, | Mr. Curley,
Mr. Hugh Taylor.

Present:—George Wallace, Esq., for W. H. Baker, Esq. (*Solicitor for the Bill*); H. J. Brown, Esq. (*Solicitor for the Petitioners against the Bill*).

Colin Christie (*Mayor of Newcastle*) called in, sworn, and examined by Mr. Wallace.

Cross-examined by Mr. Brown.

Witness withdrew.

Henry Buchanan (*Alderman of the City of Newcastle*) called in, sworn, and examined by Mr. Wallace.

Cross-examined by Mr. Brown.

Witness withdrew.

Thomas Brooks called in, sworn, and examined by Mr. Brown.

Cross-examined by Mr. Wallace.

Witness withdrew.

Frank Gardiner called in, sworn, and examined by Mr. Brown.

Cross-examined by Mr. Wallace.

Witness withdrew.

Charles Frederick Stokes (*Chairman of Newcastle Gas and Coke Co., Limited*) called in, sworn, and examined by Mr. Brown.

Cross-examined by Mr. Wallace.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Parties called in and informed.

Bill read and agreed to.

Title read and agreed to.

Chairman to report the Bill without amendment to the House.

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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

BOROUGH OF NEWCASTLE ELECTRIC-LIGHTING BILL.

WEDNESDAY, 9 JULY, 1890.

Present:—

MR. H. TAYLOR, | MR. A. BROWN,
MR. CURLEY.

A. BROWN, ESQ., IN THE CHAIR.

Mr. W. H. Baker, Solicitor, appeared on behalf of the Promoters of the Bill.
Mr. H. J. Brown, Solicitor, appeared on behalf of the Newcastle Gas Company and certain Ratepayers of Newcastle, petitioning against the Bill.

Edward Scott Holland called in, sworn, and examined:—

1. *Mr. Baker.*] You are Town Clerk of the borough of Newcastle? Yes.
2. You have been in that position for the last fourteen years? Yes.
3. When was the question of introducing the electric light into the city of Newcastle first brought before the Newcastle Borough Council? In May, 1889.
4. I believe a resolution was passed by the Council at that time? Yes.
5. What was the effect of that resolution? It affirmed the desirableness of introducing the electric light into the city of Newcastle.
6. Had the Council at that time a contract with the Gas Company? They had.
7. Was that contract near its termination about that time? It terminated in December, 1889.
8. What was the resolution of the Council? The following resolution was passed on the 20th May, 1889:—"That, in view of the early termination of the agreement with the Newcastle Gas Company with the Council for the supply of gaslight in streets, it is desirable that some other mode of lighting be considered; and with this object in view a Committee of the whole Council be called at an early date for the purpose of inquiring into the best way of lighting with electricity, and that such Committee be empowered to obtain all reliable information as to the cost of proper plant, and the benefits derivable therefrom, and the success or otherwise in other places where the light has been tried; and further, that two aldermen be appointed to visit an inland town where its use has been practically illustrated, and report to the Committee; and that such Committee report the result of its observations to the Council at its earliest convenience."
9. *Mr. Hugh Taylor.*] Will you now give us the report of the Committee? There was no report from the Committee—the Council itself dealt with the matter.
10. *Mr. Baker.*] When? In April, 1890.
11. Was the question then finally dealt with by the Council? Yes; and tenders were authorized to be called for.
12. A resolution was passed that tenders be called for? Yes. They were called for, and the tender of Messrs. Kirkland & Co., of Sydney, was accepted.

E. S.
Holland.
9 July, 1890.

- E. S.
Holland.
9 July, 1890.
13. For what amount? £8,529 12s.
 14. What were the terms? The agreement was that Kirkland & Co. were to run the plant for one or for five years, or for any period, for the sum of £1,150 per annum.
 15. *Chairman.*] That I suppose was in order that the Council might be satisfied with the operation of the electric light before taking it over? Yes.
 16. *Mr. Baker.*] Has the Council provided a site for the works? It has.
 17. At what expense? £1,000.
 18. Within the municipality? Yes. The central station will be in the centre of the borough.
 19. And the Council may take over the work from the contractor at any time? Yes; whenever they are satisfied that everything is in working order.
 20. That is to say, they can at any time do away with the expense of £1,150 per annum? Yes; if our consulting electrician states that the works are properly constructed, and that the lighting is in good order—in fact the Council can if they choose take over the works on the completion of the contract.
 21. Will you hand in the original contract between the Council and Kirkland & Co.? Yes.
 22. And you will provide a copy? Yes.
 23. Under that contract the contractors have to provide 400 street-lamps? Yes.
 24. Of 25-candle power each? Yes.
 25. Being equal to 10,000 lights for street-lighting, as against 5,152 nominally received from the Gas Company? Yes, nominally received.
 26. And what number of private lights? 700 private lights of 25-candle power each.
 27. Equal to 17,500 lights, or a total of 27,500? Yes.
 28. Were the Council unanimous in passing their resolution? Almost. The voting was 6 to 4. Two aldermen were absent and paired. You may say therefore that the voting was 7 to 5. The aldermen now are all unanimous on the subject.
 29. Have any public meetings been held in opposition to the Council applying for this Bill? There was a sort of meeting called at the School of Arts. I was not present, and only know of it from the advertisements of it which appeared in the papers.
 30. The Council ask the power to use the electric light only within their own boundaries? Yes.
 31. Any adjoining municipality can apply to the Council to be supplied? Yes; the Council can supply them with consent.
 32. You have no right under the terms of the Bill to interfere with the other municipalities? No.
 33. Was a conference held by the various municipalities in reference to this Bill? Not in reference to this Bill, but in reference to the Gas Company's Bill. The Gas Company wrote to the Council in January or February of this year, stating its intention to apply for a Bill to supply the electric light to Newcastle, and within a radius of 10 miles. The Council decided that a conference of all the municipalities of the district should be called for the purpose of considering the measure.
 34. When was it called? The conference was held on the 18th March.
 35. Was it a large gathering? All the municipalities in the district, twelve in number, were represented by mayors and aldermen.
 36. Will you mention the municipalities? Newcastle, Wickham, Hamilton, Adamstown, Merewether, Lambton, New Lambton, Waratah, Wallsend, Plattsburgh, Stockton, and Carrington. There were, I think, with the exception of Newcastle, which was represented by the mayor and all the aldermen, two representatives from each municipality.
 37. What was the outcome of the conference? It was unanimously decided that strenuous efforts should be made to oppose the Newcastle Gas Company's Bill. Each municipality undertook to petition Parliament in opposition to the Bill.
 38. Have you in your intercourse with the citizens of Newcastle heard them express any objections to the Bill? I have heard almost unanimous expressions of approval. The proprietors of the large business places in Newcastle are anxious to have the light as quickly as possible.
 39. If the Council obtain power to supply electricity to private consumers, could they supply it at a much less rate than that at which it would be supplied by the Gas Company? Yes, at about half the rate—at least that is what we are told by our consulting electrician. The Council are paying the Gas Company at the present time £2,000 altogether for gas supplied; and Kirkland & Co. would run the electric light for £1,150 per annum.
 40. And that expense per annum can at any time be dispensed with by the Council undertaking to run the work themselves? Yes, at an estimated cost of £950 per annum—that is for working expenses, material, labour, and clerical expenses.
 41. How many gas-lamps are there at the present time? There are 313 gas-lamps, at £5 10s. a lamp—equal to £1,721 10s. per annum. There are nine lamps at £7 15s. per lamp—equal to £47 16s. 3d. per annum, making a total of £1,769 6s. 3d. per annum. In addition to that we pay the Gas Company from £100 to £150 per annum for removals, bringing the total up to nearly £2,000 per annum—that is for removing lamps from one place to another, and for lowering the mains, sometimes to suit their convenience, and sometimes to suit the convenience of the Council. Where no gas-mains are laid in dedicated streets we have to pay for the pipes.
 42. What is the population of Newcastle? The estimated population at the present time is about 20,000. A census has not been taken for the last nine years; but taking the number of houses in the borough, and allowing five persons for every house, we get the number I have named.
 43. What is the ratable property valued at? £362,534 16s. The ordinary rate, at 1s. in the £, is £8,005 19s. 7d.; the lighting rate, at 3d. in the £, is £2,001 19s. 2d.; the watering-streets rate, at 4d. in the £, is £812 3s. 9d.; the water rates amount to £4,533 3s. 10d.; the endowments to £3,531 17s. 9d.; and the revenue from other sources to £11,569 11s. 4d., making the total receipts for last year £30,504 15s. 5d.
 44. What is the Council's indebtedness? The Council has borrowed by debenture £35,000 on its general account and £16,000 for water supply, making a total of £51,000. The interest is at 4 and 5 per cent., with the Government endorsement.
 45. Assuming the electric plant to be in good working order, do you think there would be a saving of expense to the ratepayers if the Government were to supply private consumers—that is as compared with the amount now paid for gas? The private lighting alone would have the effect of considerably reducing the lighting rate. The cost of the private light would also be diminished.

46. Would the ratepayers also save by the public lighting? Yes, about 1½d. in the £. The present lighting rate is 3d. in the £, and we estimate that it will be half that amount. E. S. Holland.
47. *Chairman.*] You expect a present saving to the ratepayers of about £1,000 a year? Yes. 9 July, 1890.
48. To say nothing of future saving? Quite so.
49. *Mr. Baker.*] Under these circumstances it has been deemed expedient that the Council should light the borough with electricity? Yes; the Council and ratepayers are generally of that opinion.
50. *Chairman.*] Were you present when witnesses were examined in connection with the Newcastle Gas Company's Bill? Yes.
51. During the whole examination? Nearly all the time.
52. You heard the bulk of the witnesses examined? Yes.
53. The evidence given by the various mayors and aldermen applies largely to the measure which the Council now have before Parliament? Yes.
54. *Mr. Baker.*] Do you know Mr. Thomas Brooks of Newcastle? Yes; he was at one time alderman of the borough.
55. I believe he is one of the petitioners against the Bill? Yes.
56. *Mr. Brown.*] You have given us only a part of the contract—the most important part—the specifications—are wanting? I can produce the specifications now.
57. I think you mentioned that the only expense to which the Council would be put would be the £1,150 a year they would have to pay to Kirkland & Co., but is there not an additional item? A small additional item.
58. Have they not to pay Kirkland & Co. 8½ per cent.? They have to pay 8½ per cent upon £8,529 until they take over the work.
59. I see that Kirkland & Co. have not to erect the buildings themselves? Oh, yes they have—that is provided for in the specifications. You will see that they have to erect the engine-house and buildings.
60. And you have to pay them an additional £1,150 a year until the Council take over the plant? Yes, if we decide to adopt that course; but we have the option of taking over the plant on the completion of the contract.
61. The land cost the Council £1,000? Yes.
62. And 5 per cent. on that would be £50? Yes, but the land has a progressive value of its own.
63. But if you borrow £1,000 you will have to pay 5 per cent. on your overdraft? We get an overdraft for 7 per cent., and we have three years to pay it in.
64. I see that the number of lights which Kirkland & Co. have to supply and to keep going is 300? I make it 400.
65. The specifications say that there are to be 300 street-lamps and 100 spare lamps? They have to erect for use 400 lamps.
66. I take it from the specifications that the 100 spare lamps will not necessarily be erected, but that they are merely to be supplied to replace any which may be defective? That is not the intention of the Council. Kirkland & Co. are to light 400 street-lamps.
67. *Mr. Baker.*] Do the contractors understand that they are to light 400 lamps if necessary? Yes; the contractors are to increase the arc or incandescent lamps to such an extent as the Council may require—that is beyond the 400.
68. *Mr. Brown.*] But does the specification provide for the lighting of 400 lamps? That is the intention of the Council.
69. What you mean is, that there are 300 lamps, increasable up to 400? No; I say they are to light 400 lamps.
70. Under the contract? That is in the contract.
71. Will you look at the specifications and see whether it is not the case that 300 street-lamps are to be provided? Yes; I see there are to be 300 street-lamps, but under that you will see 100 spare lamps of 25-candle power.
72. The agreement provides that if more lamps than the 400 are required the company are to be compensated? They are to be paid for their work.
73. You are sure that they understand that they have to provide 400 lamps? That is what they are making provision to do. They have called for tenders for the supply of 400 posts for the lamps, and Ellis Brothers' tender has been accepted.

WEDNESDAY, 16 JULY, 1890.

Present:—

MR. H. TAYLOR,
MR. CURLEY,

MR. CREER,
MR. A. BROWN,

A. BROWN, ESQ., IN THE CHAIR.

Mr. G. Wallace, Solicitor, appeared on behalf of the Promoters of the Bill.
Mr. J. H. Brown, Solicitor, appeared on behalf of the Newcastle Gas Company, and certain Ratepayers of Newcastle, petitioning against the Bill.

Colin Christie called in, sworn, and examined:—

74. *Mr. Wallace.*] You are Mayor of the city of Newcastle? Yes. C. Christie.
75. And have been so for how long? Since February last. 16 July, 1890.
76. How long have you been an alderman of the Council? I am now in my third period of election, going on for nine years.
77. How long have you been a resident of the city? Forty years.
78. You have been a resident of the city since the first establishment of a Gas Company? Yes, and long before that.
79. You have seen the Bill before the Committee, empowering the Council of the city of Newcastle to light the streets with electricity? I have.
80. Do you think it will be an enactment beneficial to the city? I do. 81.

- C. Christie. 81. On what do you base that opinion? Upon the opinions given by experts who have been employed by the Council to assist them in coming to a judgment in the matter.
- 16 July, 1890. 82. Do you believe that the Bill will result in a saving to the ratepayers of the borough? A saving of 50 per cent., according to the representations made to us by an expert. I may say that we are assured by an expert that we shall get our lights in the streets at £2 per annum, burning every night in the year from sunset to sunrise. At present we are paying more than double that for gas. We are also assured that the electric light will be far superior to the light for which we are paying the higher sum.
83. That is as regards its illuminating power? As regards its illuminating power.
84. You were examined by the Select Committee of the Legislative Assembly which inquired into the Newcastle Company's Gas Bill? I was.
85. You have read the printed report of the evidence given on that occasion? I have.
86. And such portion of the evidence given by you on that occasion as affects the subject now before this Committee you confirm? I do; it is a true and accurate report of what I said.
87. You are aware that a contract has been entered into by the Newcastle Council for the construction of the Electric-light Works? I am; the contract has been signed and sealed.
88. The cost of these works and of their maintenance will be paid out of the municipal fund? Yes.
89. Raised from the ratepayers of the borough? Well, out of funds raised under the provisions of this Bill.
90. Do you think it will be a matter of profit and convenience to the ratepayers to be supplied with private lights from the works so erected by the company? I think it would be very greatly to the advantage of the people that such power should be given to the Corporation enabling the people to utilize to their fullest extent the works which are to be built out of their money.
91. Are you aware whether there is any strong public feeling in favour of this Bill? There is a very strong public feeling in favour of it.
92. You have seen a petition signed by 665 persons in favour of the Bill? Yes. I may say that the petition was given into the hands of Mr. Hannell, in order that he might collect signatures.
93. *Mr. Brown.*] He was paid by the Council to collect signatures? Yes.
94. *Mr. Wallace.*] The signatures were obtained at the request of the City Council? Yes. I may say that many persons in the streets have volunteered to me the information that their signatures to the petition against the Bill were obtained by misrepresentation.
95. *Mr. Brown.*] Have you taken any trouble to test the statements of the experts as to the cost of the lamps per annum? I have no skill in that matter.
96. I suppose you know the ordinary rules of arithmetic? Yes; but this is a technical matter concerning the production of electricity.
97. Is it not the case that according to the contract you would have to pay £1,150 a year for the maintenance of the works? I cannot give you the figures.
98. The Town Clerk said so? If he said so I have no doubt he is right; he has custody of all the figures.
99. Did the Council deal with the matter on the 2nd of June last—do you remember a report in the *Newcastle Herald* of some proceedings in connection with which it was said that the contract had been signed? I cannot speak as to dates; these things are matters of record in the offices.
- 99½. You were to pay these people 8½ per cent. on the contract price till you took the works over? Yes.
100. That would be £720 on £8,000 odd? If you have calculated it I will take your word.
101. *Mr. Holland* said you had to pay 7 per cent. on the overdraft to pay £1,000 for the land? I expect we are paying that at the present time, but that amount will be lessened when we get the big loan at 4 per cent. I ought to mention that the overdraft is merely a temporary expedient.
102. And you are to receive 300 lights? I think the number is 400.
103. If you divide £1,940, the total amount of your expenses, by 300, you will find that you will be paying £6 7s. per lamp instead of £2, as you led us to suppose would be the case? I cannot go into figures to that extent at a moment's notice. If you have reckoned up the expenses, and say that the figures you have given are correct, I will take your word for it.
104. You accept my calculation? I accept your calculation, but not the results of it.
105. Assuming that you had 400 lamps for the same sum of money, would you not be paying within a fraction of £5 per lamp? I really could not answer that question.
106. How many lamps have you from the Gas Company now? I really cannot say; I cannot keep figures in my head.
107. How much do you pay them? I could not tell you.
108. Have the whole of the proceedings of the Council in connection with this matter been made public? The reporters have been present at our meetings, but whether they have done their duty or not I could not say. Everything has been done with open doors.
109. Do you mean to say that every meeting has been held with open doors? Every meeting of the Council.
110. But I mean every meeting which has dealt with the matter? Yes, that is really the case, because whatever is done in committee has to be brought up again in the Council with open doors—that is always done.
111. *Chairman.*] It is the practice for the Council to resolve itself into committee with closed doors, and to report afterwards? Yes. It seems to me that Mr. Brown is losing sight of the fact that the agreement to which he has been referring is merely temporary. We agree with the contractors to run the plant at a certain price, until it has been proved that the works are thoroughly satisfactory; then we take it over and we work it at a much cheaper rate than they will be able to work it at for us, because they will have to pay the expenses of experts travelling between Sydney and Newcastle for the purpose of superintending. We shall have an expert employed upon the ground, and shall otherwise save money in running the works.
112. *Mr. H. Taylor*] You are fully persuaded that the Council will be able to work the light cheaper than any contractors? Yes; as a rule, in Newcastle the Council manage things themselves much cheaper than they are managed by contractors. That is our experience, and we are now employing workmen to do almost everything we require. Very little is done by contract. We find our present system much better and much more economical, and that the work is better done. It is the object of the contractor to get work done as cheaply as he can—it is the object of the Council to get it done as well as we can.

113. *Mr. Brown.*] You see that you have been misled as to the cost per lamp? I do not admit that. I may say that the main object of our putting the Town Clerk forward to give evidence first was that he might give you the figures of which he has custody.

C. Christie.
16 July, 1890.

114. *Mr. Creer.*] No doubt in your position as Mayor, presiding over all the Committee and Council meetings, you have given great consideration to this question of lighting Newcastle with electricity. Yes.
115. And is it your opinion that the Council would give a better light at a cheaper rate than they are now paying? I do most solemnly believe so. I have not presided over all the meetings at which the matter has been considered. It was under consideration by the Council long previous to my becoming Mayor—while Alderman Buchanan was Mayor. I have, however, always taken a great interest in the question. Mr. Erskine was the expert we employed. He examined the contracts and the various tenders, and he was to recommend which was the cheapest and best; also to give his reasons. These things he did minutely. The effect of his report was that the electric light, at the price named, would not cost more than £2 a light, the lamps being burnt every night from sunset to sunrise.

116. You are of opinion that the Council are about to adopt the light on account of its being both better and cheaper? That is our only object.

117. *Chairman.*] In your daily intercourse with the citizens and ratepayers, have you heard any expressions of approval or disapproval of this Bill. Yes.

118. To what effect have been the bulk of the comments made? As I said before, when giving evidence in connection with the Newcastle Gas Company's Bill, they were against that Bill. I now reiterate the opinion I then expressed that nine-tenths of the people are in favour of electric lighting by the Council. Some of those who have signed petitions against this Bill have acknowledged to me that they were induced to do so by misrepresentations.

Henry Buchanan called in, sworn, and examined:—

119. *Mr. Wallace.*] You are an alderman of the borough of Newcastle? Yes.

120. And you were once Mayor? In 1888 and 1889.

121. You have read the provisions of the Bill now before the Committee? Yes.

122. You know the substance of it? Yes.

123. Has this matter been fully discussed by the Borough Council? Yes.

124. Committee meetings have been held? Yes.

125. And resolutions have been passed in favour of the application for this Bill? Yes.

126. As a matter of fact, a contract has been entered into by the Council for the erection of electric-light works? Yes.

127. You have had opportunities during the time the matter was under consideration by the Council, and since the resolution of the Council was passed, of ascertaining the public opinion of Newcastle in connection with this matter? Yes.

128. From the knowledge you have gained by associating with people and discussing this matter with them, can you say whether the public opinion in Newcastle is in favour of the powers sought for by this Bill being granted to the Council? A large majority are in favour of that step.

129. I suppose that in your position as Mayor and Chairman of the various committees dealing with the matter you have gone into it pretty thoroughly yourself? Yes.

130. And you have sought the information and advice of experts? Yes.

131. You are satisfied, from the information so obtained, that the electric lighting will be cheaper for the borough, in the first instance, for the purposes of public light? Yes.

132. Do you believe it will be a convenience, as well as a pecuniary saving, to the ratepayers of the borough if they could obtain from the Council the electric lighting they require? I am of that opinion.

133. I understand that while you held office as Mayor you went over to Melbourne, at the request of the Council, and made inquiries into this matter there? I was going to Melbourne on a visit, and I was deputed by the Council to make inquiry as to electric lighting.

134. Did you make such inquiry while you were there? Yes.

135. Did you go thoroughly into the whole question of electric lighting? Yes.

136. And it is partially on the information you there received that you form the opinions you have now expressed? Yes.

137. *Mr. Brown.*] Do you know anything of electricity yourself? I am not an expert.

138. You have been guided by what you have been told? Yes, and from my own observation.

139. Are you not aware that the electric light which was formerly used at Roberts's Hotel was discontinued on account of the cost? I am aware of that. I also heard the explanation that the light was badly managed.

140. You think that the Newcastle Council are certain to manage better than Mr. Roberts? Well, they will have more consumption, and they will be able to secure the services of a better expert.

141. *Mr. Curley.*] What number of meetings were held to consider the matter before the Council entered into the contract? The matter was under discussion for from fifteen to eighteen months, and on an average I suppose there would be two meetings a month in connection with the matter.

142. *Mr. Wallace.*] You are satisfied that an exhaustive inquiry was made by the Council into the whole question of the electric lighting of the borough? Yes—in fact I was not in favour of the electric lighting myself until I saw it working. I saw an installation of 4,000 lights working in Melbourne.

143. *Mr. H. Taylor.*] I suppose that at all municipal elections held while this question has been agitated in Newcastle candidates were returned either in support of or against the electric lighting? It was never brought forward as a test question at elections, although candidates who had voted for it were returned unopposed.

144. *Mr. Brown.*] As a matter of fact you yourself were elected while you were opposed to it? That is not the case.

H. Buchanan.
16 July, 1890.

Thomas Brooks called in, sworn, and examined:—

- T. Brooks. 145. *Mr. Brown.*] You are a ratepayer of the borough of Newcastle? I am.
 16 July. 1890. 146. You are also Chairman of the Newcastle Steamship Co.? Yes.
 147. Have you read the Bill which has been referred to this Committee? I have not.
 148. You are aware that the Newcastle Council are applying for power to supply the electric light to private individuals, as well as to light the city with it? Yes.
 149. Do you consider that a Bill containing such powers is in the interests of the ratepayers? I believe it is diametrically opposed to the interests of a large body of ratepayers—it may be to the interest of a few.
 150. Are you aware of the feeling of the ratepayers generally about the matter? Yes, as far as I have canvassed them. I went from Watt-street to the Co.'s bridge, a distance of about half a mile in the main street.
 151. What was the feeling among those residents? Eighty per cent. of those I spoke to were against the Bill.
 152. And the remaining 20 per cent.—did they give opinions decidedly in favour of the Bill? A great number of those who refused to sign the petition were the Council's tenants in the Market Square. They were averse to taking any action opposed to the action of the Council, fearing that, as they were only weekly tenants, they might have notice to quit.
 153. I believe the Newcastle Steamship Co.'s boats use the electric light? They do.
 154. Are you aware whether that light is well managed? Yes, and it is very expensive to manage.
 155. More expensive than kerosene or candles? Yes; but we save heat in hot weather, and that compensates for the expense; it is not a matter of economy—it is a matter of expediency.
 156. You were an alderman for many years? For about seventeen years continuously.
 157. You have had some experience as to the cost of gas to the Council? Yes.
 158. Can you say from your experience as an alderman, and as a director of the Newcastle Steamship Company, whether the electric light would be a cheaper mode of illumination than gas? I can say positively that it will cost double the present cost of gas to the Municipal Council.
 159. What is the price per lamp of the incandescent lamps? It comes to nearly £9 when you total up everything.
 160. I was alluding more particularly to the cost of the lamp itself—the bulb? We import bulbs at a cost of about 5s. apiece.
 161. Do you know how long they last? Their life is not very great.
 162. Under ordinary circumstances, could you give us an idea? I could not; I have never kept a record of it. I know they are the most expensive things we have to deal with.
 163. *Mr. Wallace.*] You are a shareholder in the Newcastle Gas and Coke Company? No; I had an interest in it eight or ten years ago; but I have no interest in it at present, either directly or indirectly. My action is solely in the interests of the ratepayers. I have no desire to see the lighting rate increased to double its present amount in order to satisfy a fad of the Council.
 164. Were you at a meeting called at the School of Arts to oppose this Bill? I was.
 165. How many persons attended? I could not say.
 166. Were there 100 present? About 100, I think.
 167. What is the population of Newcastle? I could not say; I suppose there are 3,000 or 4,000 ratepayers.
 168. The meeting to which you refer was called by advertisement in the local paper? Yes.
 169. Was it a unanimous meeting? It was not; there were one or two aldermen present, I think, in favour of the lighting.
 170. Do you not think that, if the matter were of such importance to the ratepayers as you would have us believe, 100 persons was rather a poor attendance at a meeting called by advertisement? No; it takes dynamite to move some of the Newcastle people—they are never alive to their own interests until the injury is done. My great objection to the Bill is: That we live upon the production and sale of our coal, and we find men sent into the Council as representatives of the people who should do everything in their power to conserve the interests of the city endeavouring to introduce a light which, if it succeeds, will induce other persons to adopt it, and to cease the supply of coal they now receive.
 171. How much coal is consumed by the gas-works? Forty thousand tons are sent from Newcastle every month for the manufacture of gas. If other cities were to follow the example of Newcastle in the matter of electric light—supposing it to be successful—our production of coal per month would be reduced by 40,000 tons.
 172. One of the strongest objections you have to the introduction of electricity as a lighting power is, that it will reduce the quantity of coal consumed by gas-works, and so interfere with the output from Newcastle? That is one strong objection I have—another is, that the lighting rate will be doubled. Our output at the present time is little enough without any attempt being made to further reduce it.
 173. *Mr. Curley.*] How many tenants have the Council in their Market-square property? I could not say—there might be twenty or thirty. They did not all refuse to sign the petition; some of them signed it.
 174. *Chairman.*] Did you obtain Dr. Harris's name to the petition personally? Yes; in the presence of Mr. Gardiner.
 175. What did he say? He said he would sign it willingly.
 176. Do you know whether the signature to the letter I now hand you is that of Dr. Harris? I could not say; all I have to say is that if he wrote that letter after the spontaneous way in which he signed the petition he is a regular cocktail.
 177. He did not say anything about his being opposed to the Electric-lighting Bill? He said he was in favour of any movement which would conserve our trade. One question I put to him was, that if electricity were generally used throughout Australia it would seriously affect the output of our coal, and he said, "I would sign anything which would conserve that."
 178. Did you say to him that the petition was against the Council having a special right to make experiments with the electric light? I may have said that; I believe it is the case.
 179. You believe that the contract into which the Council have entered is experimental? Yes.

Frank Gardiner called in, sworn, and examined:—

F. Gardiner.
16 July, 1890.

180. *Mr. Brown.*] What is your occupation? I am an auctioneer and general agent.
181. Residing in Newcastle? Yes.
182. Are you a ratepayer? Yes.
183. You are aware that the Borough Council of Newcastle are applying for a Bill to enable them to light the streets of Newcastle with electricity, and to supply the light to private individuals? Yes.
184. Do you believe that that will be in the interests of the ratepayers generally? I do not.
185. On what ground do you object to it? The excessive cost.
186. You believe that the rates will be heavier than they are now? Considerably so.
187. Do you think there would be such an increase in the volume of light as would compensate for the increase in the rates? No; I think the incandescent lights will not be as good as the present supply of gas-light.
188. Have you seen the incandescent light in operation elsewhere? Yes.
189. And you do not consider it satisfactory? I do not, indeed.
190. Have you made any calculation as to the cost per lamp on the basis of the Council's expenditure? Yes.
191. What do you estimate the cost per lamp per annum would be? Close upon £9.
192. Are you aware of the existence of any feeling one way or the other among the ratepayers? From my experience in going round with a petition against the Council undertaking to light the city with electricity, I should say that a large majority of the ratepayers were opposed to that step.
193. *Mr. Wallace.*] Do you know how many ratepayers there are in the city? I could not say.
194. You took round a petition opposed to the Bill? Yes, in conjunction with Mr. Brooks.
195. The signatures you obtained amounted to 300? 300 odd.
196. That is not a majority of the ratepayers? We had not time to go further.
197. But as a matter of fact 300 is not a majority? No.
198. Do you look upon yourself as an expert in the matter of electric lighting? I am not an expert.
199. Are you a shareholder in the Gas Co.? Yes.
200. I daresay the passing of such a Bill as this would seriously affect the interest of shareholders in the Gas Co.? Yes; there is no doubt about that.
201. Upon what basis do you calculate the cost per lamp at £9? I find that Kirkland's tender for the plant was £8,529 12s., to which must be added £1,000 for the land. 2½ per cent. for supervision of the erection, on £8,529 12s., would be £237. There would be some other slight incidental expenses, making the amount at the lowest calculation about £10,000. The working expenses according to Mr. Kirkland's statement would be £1,150. I have put down interest at 6 per cent. on £10,000, making £600.
202. Why do you make it 6 per cent., when a loan can be floated at 4 per cent.? The Council have arranged to give Kirkland & Co. 8½ per cent. for an indefinite time. I base my calculation on 6 per cent. I have allowed for depreciation at 8 per cent. per annum, giving £682 6s. 6d; that is on the sum of £8,529 12s. I have estimated that the lamps would require renewing twice per annum, and I believe that is a low estimate—that would amount to £86 16s. The total amount would be £2,699 2s. 6d. The arrangement made was for 300 lamps; that would make the amount close upon £9 per lamp per annum.
203. You base your calculation upon 300 lamps? Yes.
204. You know that 400 are provided for? I believe there is some arrangement for spare lamps.
205. *Chairman.*] You have not considered whether the electric light in itself would not be better than gas-light? My experience convinces me that the incandescent light is not as good outside as gas-light. If you distribute it over 30 or 40 miles of wire the attraction is so great that before the current reaches the place of combustion a great deal of its power will have escaped.
206. Then you do not think the incandescent light is as good as gas-light? I do not think so.
207. Do you remember a meeting of the ratepayers being called in opposition to electric lighting by the Council? Yes.
208. Were you present? Yes.
209. How many persons assembled? Between fifty and sixty.
210. Was anything done in connection with the electric lighting? The expression of feeling was greatly adverse to the Council entering into the contract.
211. Were the persons at that meeting nearly all ratepayers? I should imagine so—the meeting called was one of ratepayers adverse to the lighting of the city by electricity. I presume, therefore, that all present were ratepayers.
212. Do you know whether many shareholders in the Gas Company were there? I do not know of a single one.
213. They might all have been shareholders, but you did not know them to be so? They might have been shareholders, but I was not aware of the fact.
214. Was any other meeting on the subject called in the city? Not that I am aware of. I might say that at the meeting to which I referred a committee was formed to take certain steps, and that resulted in the petition.
215. *Mr. Creer.*] You say that the total cost to the Council will be £10,000? Yes, of the plant and supervision.
216. And that the working expenses and interest will come to £2,699? Yes.
217. Do you know that the Council intend lighting the Council Chambers and other municipal buildings, as well as the street-lamps? The expense would increase *pro rata*.
218. You went round with the petition in opposition to the Council's Bill? I did.
219. Are you aware that a petition in favour of the Bill was also sent round? Afterwards.
220. Are you aware whether any of those who signed your petition had signed a petition in favour of the Bill? I am not aware of any.
221. How many signatures did you get? I think 340.
222. Did you go down Hunter-street? Principally.
223. Did the storekeepers generally sign? Generally, yes. In my opinion, if there had been time a larger number of signatures would have been obtained. We took Hunter-street and Watt-street, and did not go into Church-street at all.

Charles

Charles Frederick Stokes called in, sworn, and examined :—

- C. F. Stokes. 224. *Mr. Brown.*] You are Chairman of the Newcastle Gas and Coke Co. ? Yes.
 225. I believe you gave evidence with regard to the Gas Co.'s Electric-lighting Bill ? Yes.
 16 July, 1890. 226. Have you read that evidence since it has been in print ? I have never seen it.
 227. When did the company first take steps with a view to the introduction of their Bill ? About eighteen months ago they had a Bill prepared by you.
 228. Why was not the Bill introduced before ? The difficulty was that we had to get a meeting of shareholders to authorize the introduction of the Bill. That took us some considerable time. Then we happened to miss a session of Parliament—the Bill was brought on too late.
 229. The Bill was to have been introduced in the previous session ? Yes.
 230. There was not time to do so ? No ; the House was suddenly adjourned.
 231. What reason had the company for applying for permission to supply the electric light ? We did not apply for permission to supply the electric light particularly—we want permission to distribute any light. My opinion is that the electric light will not be the light of the future. We desire to be in a position to take advantage of any light which may be introduced. At the present time we have power to supply gas only.
 232. In the event of gas going out of fashion, your works would be thrown upon your hands ? Yes.
 233. You have read the Council's Bill ? No, I have not.
 234. You know that they are introducing a Bill authorizing them to light the streets with electricity, and to supply the light to private individuals and to outside boroughs ? Yes.
 235. And you object to that ? Yes.
 236. Do you object to the Council lighting the streets with electricity ? No.
 237. That, you think, is a matter for the ratepayers ? Yes. We object to their using public money for investment in an enterprise which is an uncertainty. If they desire to make use of electricity or of any other means of lighting for public purposes, they should throw the responsibility upon the persons who are willing to supply the light. I do not think the ratepayers' money should be invested in the light itself.
 238. You think they should purchase the light for the streets as they purchased the gas ? Yes ; they should allow someone else to take the responsibility ; they might purchase the works afterwards, perhaps, if they were a success, but I do not think public money should be invested in an uncertainty of that kind. If we obtain our Bill we shall be in a position to tender for the supply of the light in the same manner as other persons. We want our Bill in order that we may be empowered to tender.
 239. *Chairman.*] You want, in other words, to give the company an opportunity which you would deny to the ratepayers, to spend money in a positively foolish manner ? Yes ; I would point out that the company would have no power to tender unless they obtained their Bill.
 240. *Mr. Brown.*] You object to the Council coming into competition with the company in the supply of private lighting, and in the lighting of outside boroughs ? Yes.
 241. What is the rate per lamp which the Council are now charged ? I think it is £5 per lamp.
 242. Have you offered any reduction ? Yes.
 243. How much ? We offered to supply at £4 15s. per lamp.
 244. For a certain time ? Yes ; we offered to take a contract for three or five years at that price.
 245. By this Bill the Council ask power to sell electric lines, burners, lamps, and other fittings ? Yes ; in other words, they seek power to become tradesmen.
 246. You object to that ? Yes ; I think they might just as well say, " We will take out coal and supply that."
 247. *Mr. Wallace.*] Is it not palpable that the supply of lamps and burners is simply to persons dealing with the Council ? The Bill does not say so ; according to the Bill anyone can purchase.
 248. The Bill empowers the Council to dispose of these things to persons taking the electric light from them ? To the disadvantage of tradesmen dealing in those articles. They might as well propose to supply gas-fittings.
 249. Is not one of the suburban boroughs of Newcastle about to light the municipality with electricity ? I hear some talk of it. I presume you mean the municipality of Lambton.
 250. *Chairman.*] How long have you been connected with the Gas Company ? I think about eighteen or twenty years.
 251. Do you remember any meeting being held in the city of Newcastle at which a proposal was made to form another gas company there ? Yes ; it was got up by a disaffected gas director—a man who was thrown off the Board.
 252. *Mr. Creer.*] You are not opposed to electricity ? I am not.
 253. You think your company should have power to supply it ? We apply for power to use electricity or any other light. We wish to extend our powers.
 254. Do you think that if you obtained your Bill you could supply electricity cheaper than anyone else ? I think so.
 255. Why ? In the first place we have our capital and position ready—we could utilize our present works—we could run electricity with gas, so that if the one failed we should have the other. The same would apply to any other light which might be introduced. For my own part I do not think the present system of lighting by electricity will come into vogue as a regular thing—it has failed wherever it has been tried. I see that other things are being introduced in connection with it which make a wonderful improvement. We are not confining ourselves to electricity ; we want the power to supply any other illuminant.
 256. Did you as a director of the Gas Company seek to obtain these increased powers until the agitation of the City Council took place ? Yes. If you read my addresses to the shareholders of the Company for a considerable time past you will find that I said that this was a matter which would have to be taken into consideration. Our solicitor had been preparing a Bill for some time, but there was some legal difficulty in connection with the authority of the shareholders—that Mr. Brown had to settle. The action of the Council did not influence us.
 257. *Chairman.*] It was not the Council moving in the matter that induced you to come forward with your Bill ? No. We had a Bill in Mr. Fletcher's hands last session, but the House was adjourned. The action of the Council had nothing whatever to do with our action. We had been talking for some considerable

considerable time beforehand of obtaining a Bill. Two meetings of shareholders had been held in reference C. F. Stokes. to the matter.

258. *Mr. Creer.*] You are aware that the Council of Waratah light their own borough with gas? Yes. 16 July, 1890.

259. Are you not aware that the Lambton Council has accepted the contract for the supply of electric light? I was aware of some idea of lighting the borough with electricity, but I did not know that the Council had accepted the contract.

260. You are not opposed to electricity—all that you ask is that the company should have power to supply the light themselves? Yes.

261. Do you think you could light the city of Newcastle with electricity more cheaply than with gas? That remains to be proved—I do not think so—it has not been done anywhere else, and I do not think it can be done. The latest experiments with electricity prove that in cases where it can be used where it is produced it can be supplied cheaply, but that when it has to be distributed over a large area it is much dearer. The light, as a light, is a success; but as a financial experiment it is a failure. A system is now coming out about which we shall hear a great deal more in a few months. It promises very well. It will use electricity where it is produced, but I am afraid it will be a very expensive matter in the first instance.

262. *Mr. Brown.*] Do you know of how many candle-power the electric lights will be? I think we shall run from 16 to 17 candles. It leaves the works at about 18 candles; but in the process of distribution it becomes weaker. I think it will run 16 or 17.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL.

(PETITION FROM CERTAIN RATEPAYERS OF THE BOROUGH OF NEWCASTLE, IN FAVOUR OF.)

Received by the Legislative Assembly, 2 July, 1890.

To the Honorable the Speaker and Members of the Legislative Assembly, in Parliament assembled.

The humble Petition of the ratepayers of the Borough of Newcastle,—

RESPECTFULLY SHOWETH :—

(1.) That the Council of the Borough of Newcastle contemplates introducing to Parliament a Bill, authorizing the Council to supply electricity for the use and benefit of the citizens and for private lighting; and as your Petitioners truly believe the granting of the necessary powers will be to the best interests of themselves individually, and for the public good generally, they trust that your Honorable House may be pleased to grant their prayer in this regard, and allow the Bill before referred to to become the law of the land.

(2.) That the Council of the Borough of Newcastle, in the interests of the citizens and your Petitioners generally, has recently entered into a contract with Messrs. Kirkland & Company, of York-street, Sydney, for the lighting of the streets of the Borough by electricity, and for supplying the same to private consumers, the cost of the undertaking amounting to £8,529 12s., to be completed by the end of the present year.

(3.) That your Petitioners believe that the carrying out of these works can be more economically, efficiently, advantageously, and satisfactorily performed by a public body acting in concert with your Petitioners than by private individuals, from the fact that municipal bodies are custodians of the public good, and the profits derivable from the undertaking cause your Petitioners to become in course of time identified with the citizens like one vast joint stock or co-operative company, the revenue therefrom being applied to Municipal purposes, such as repairs and management of streets and other works, and thus increasing the general revenues thereof, whereas if granted to a private company the benefits are not at all apparent, or likely to improve the Borough in any way, as the revenues therefrom would fall into the hands of the shareholders.

(4.) That your Petitioners' experience in the past warrants their thinking that they will be far better served by a public body, such as the Municipal Council, than they would be by private individuals, and in a much cheaper and better way.

(5.) That your Petitioners have always worked in peace and harmony with the Municipal Council of the city and have always obtained justice at its hands, and are more likely to receive justice from it than from a private company.

(6.) Your Petitioners therefore pray that assent may be given to the aforesaid Bill, believing that the powers set forth will be for their good.

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

[Here follow 665 Signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BOROUGH OF NEWCASTLE ELECTRIC LIGHTING.
(PETITION FROM CERTAIN RATEPAYERS OF THE BOROUGH OF NEWCASTLE, AGAINST.)

Received by the Legislative Assembly, 2 July, 1890.

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

The humble Petition of the undersigned ratepayers of the Borough of Newcastle,—

RESPECTFULLY SHOWETH:—

(1.) That from time to time the Borough Council of Newcastle have been discussing the question of lighting the Borough by means of electricity, and the matter had apparently dropped, when recently, by a small majority, they passed a resolution to accept a tender for the necessary machinery, not only for lighting the streets but also for supplying electricity to private customers, and to purchase land, and erect the necessary buildings, the cost of which will be very great.

(2.) That the said Council has no means to pay the cost of the said machinery, land, and buildings, and to enable them to do so have caused to be introduced into your Honorable House a Bill to enable the said Council, among other things, to light the streets and public places of the said Borough with the electric light, and to supply electricity within the limits of the said Borough to consumers for private use, and to borrow money for the purposes of the said Bill, and for the other purposes therein mentioned.

(3.) That while your Petitioners would not object to the said Council paying a reasonable annual sum for the lighting of the city with electricity if the same could be done safely and conveniently, they consider the Council should not incur the heavy debt proposed for the purpose of trying a commercial experiment which will in all probability result in a heavy loss.

(4.) That the said Council is already heavily in debt, and is not in a position to bear the additional burden which the Bill seeks to authorize them to incur.

(5.) That your Petitioners respectfully urge that the said Council ought to leave the lighting of private dwellings and shops and the providing of motive-power in other hands.

(6.) That your Petitioners believe that persons supplied with light or motive-power by the Council would be contractors within the meaning of the Municipalities Act, and if such supply were general the electors supplied would be disqualified for the office of aldermen, and considerable complications might arise.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to reject the said Bill.

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

[Here follow 340 Signatures.]

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BOROUGH OF NEWCASTLE ELECTRIC-LIGHTING BILL.

(PETITION FROM CERTAIN DIRECTORS OF THE NEWCASTLE GAS AND COKE COMPANY,
LIMITED, AGAINST)

Received by the Legislative Assembly, 2 July, 1890.

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

The humble Petition of the undersigned, Directors of the Newcastle Gas and Coke Company,
Limited,—

RESPECTFULLY SHOWETH,—

(1.) That the Newcastle Gas and Coke Company was established in the year one thousand eight hundred and sixty-six, for the purpose of supplying gas for lighting and other purposes to the City and Suburbs of Newcastle, and have so supplied the same, and are now applying for a Bill authorizing them to supply electricity and other illuminants.

(2.) That the Borough Council of Newcastle have caused to be introduced into your Honorable House a Bill to authorize them, among other things, to light the streets of Newcastle and other boroughs with the electric light, to supply electricity to private individuals, and to sell wire, lamps, and other articles.

(3.) That while your Petitioners do not object to the said Council taking into their own hands the lighting of the streets within their own borough, they respectfully submit they ought not to be permitted to employ the ratepayers' funds for purposes of speculation, and to enable them to compete with private enterprise, or be placed in a position in which the ratepayers may be more heavily taxed than is necessary for street-lighting, in order that private individuals requiring a large quantity of light, but who pay a small amount of rates, may be supplied at a cheaper rate.

Your Petitioners therefore humbly pray that your Honorable House, should it think fit to entertain the Bill, will be pleased to so amend the same that the operations of the said Council will be confined to their own borough, and that they will not be authorized to supply light, or sell lamps, wire, or other articles to private individuals.

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

[Here follow 5 signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL.
(PETITION FROM CERTAIN DIRECTORS OF THE NEWCASTLE GAS AND COKE COMPANY (LTD), PRAYING TO BE HEARD BY
COUNSEL BEFORE SELECT COMMITTEE, OR AT BAR OF THE HOUSE, AGAINST)

Received by the Legislative Assembly, 8 July, 1890.

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

The humble Petition of the undersigned, Directors of the Newcastle Gas and Coke Company
(Limited),—

RESPECTFULLY SHOWETH:—

1. That your Petitioners have already petitioned your Honorable House on the subject of
the Borough of Newcastle Electric Lighting Bill.

2. That your Petitioners are desirous of being heard by Counsel against the said Bill.

Your Petitioners therefore humbly pray that leave may be granted to them to be heard by Counsel
before any Select Committee appointed by, or, if need be, at the bar of, your Honorable House against
the said Bill.

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

[Here follow 5 signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL.

(PETITION FROM CERTAIN RATEPAYERS PRAYING TO BE HEARD BY COUNSEL BEFORE
SELECT COMMITTEE ON.)

Received by the Legislative Assembly, 8 July, 1890.

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

The humble Petition of the undersigned ratepayers of the City of Newcastle,—

RESPECTFULLY SHOWETH:—

1. That your Petitioners have already petitioned your Honorable House on the subject of the
Borough of Newcastle Electric Lighting Bill.

2. That your Petitioners are desirous of being heard by Counsel against the said Bill.

Your Petitioners therefore humbly pray that leave may be granted to them to be heard by Counsel
before any Select Committee appointed by, or, if need be, at the bar of, your Honorable House against
the said Bill.

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

[*Here follow 9 signatures.*]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BOROUGH OF NEWCASTLE ELECTRIC
LIGHTING BILL, No. 2,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
12 *November*, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 83. THURSDAY, 6 NOVEMBER, 1890.

3. BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL (No. 2) (*Formal Motion*):—Mr. Alexander Brown moved, pursuant to Notice,—
- (1.) That the Borough of Newcastle Electric Lighting Bill (No. 2) be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Bruce Smith, Mr. Fletcher, Mr. Hugh Taylor, Mr. Creer, Mr. Ritchie, Mr. Curley, Mr. Joseph Abbott, Mr. Hassall, and the Mover.
- Question put and passed.

VOTES No. 84. FRIDAY, 7 NOVEMBER, 1890.

3. BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL (No. 2):—Mr. Alexander Brown (*by consent*) moved, without Notice, That the Report from, and Minutes of Evidence taken before, the Select Committee during the present Session on the "Borough of Newcastle Electric Lighting Bill," be referred to the Select Committee now sitting on the "Borough of Newcastle Electric Lighting Bill (No. 2)."
- Question put and passed.

VOTES No. 86. WEDNESDAY, 12 NOVEMBER, 1890.

9. BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL (No. 2):—Mr. Curley, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 6th November, 1890; together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890.

BOROUGH OF NEWCASTLE ELECTRIC LIGHTING BILL (No. 2).

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 6th November, 1890, “*the ‘Borough of Newcastle Electric Lighting Bill (No. 2),’*” and to whom was referred on 7th November, 1890, “*the Report from, and Minutes of Evidence taken before, the Select Committee on the ‘Borough of Newcastle Electric Lighting Bill,’ during the present Session,*”—beg to report to your Honorable House :—

That they have examined the witness named in the margin* (whose evidence will be found appended hereto), and considered the Report and Evidence referred, and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

*Edward Scott
Holland, Esq.

Your Committee now beg to lay before your Honorable House the Bill as agreed to by them.

JAMES CURLEY,
Chairman.

No. 2 Committee Room,
Sydney, 12th November, 1890.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 11 NOVEMBER, 1890.

MEMBERS PRESENT :—

Mr. Creer, | Mr. Curley.

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

WEDNESDAY, 12 NOVEMBER, 1890.

MEMBERS PRESENT :—

Mr. Curley, | Mr. Ritchie,
Mr. Hugh Taylor, | Mr. Joseph Abbott.

Mr. Curley called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, and referring the Report from, and Minutes of Evidence taken before, the Select Committee during the present Session on the "Borough of Newcastle Electric Lighting Bill" to the Committee, *read* by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, and the Report from the Select Committee on the Borough of Newcastle Electric Lighting Bill of the present Session, before the Committee.

Present :—W. H. Baker, Esq. (*Solicitor for the Bill*).

Edward Scott Holland (*Town Clerk, Newcastle*), called in, sworn, and examined.

Witness withdrew.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,” put and passed.

Clauses 1 to 40 read and agreed to.

Title read and agreed to.

Chairman to report the Bill, without amendment, to the House.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BOROUGH OF NEWCASTLE ELECTRIC
LIGHTING BILL (No. 2).

WEDNESDAY, 12 NOVEMBER, 1890.

Present:—

MR. JOSEPH ABBOTT,	|	MR. CURLEY,
MR. RITCHIE,	|	MR. H. TAYLOR.
JAMES CURLEY, ESQ., IN THE CHAIR.		

Mr. W. H. Baker, Solicitor, appeared on behalf of the promoters of the Bill.

Mr. Edward Scott Holland called in, sworn, and examined:—

1. *Mr. Curley.*] Did you attend as a witness on the 9th July before the Select Committee on the former Borough of Newcastle Electric Lighting Bill? Yes.
2. Have you seen a report of the evidence given on that occasion? I have read the report.
3. Is this a copy of the evidence? It is a true copy of the evidence.
4. Have you any fresh evidence to give? Since that evidence was given the Borough Council have entered into a fresh contract in connection with electric lighting, substituting arc lights for incandescent lights in the main thoroughfares at an additional cost of £550. The original contract, according to the evidence, is £8,930.
5. *Mr. Baker.*] A foundation has been laid for the works in Newcastle since the evidence was taken? Yes; everything is now complete with the exception of laying the wires on the poles. The poles are erected.
6. *Mr. Curley.*] The Municipal Council I understand are simply waiting for the Bill to pass before they proceed further with the work? Yes.
7. *Mr. Ritchie.*] They are in every particular favourable to the Bill? Yes.
8. *Mr. Baker.*] The passing of the Bill will be beneficial to the public? Undoubtedly.
9. Have you heard of any further official protest against the Bill since the sittings of the last Committee? None whatever.
10. Have not the Gas Company objected to the Bill? No.
11. Have the Gas Company any interest in this Bill? No.
12. Are there many persons in Newcastle now being supplied with gas for cooking and engine purposes? Not many—it is used more for private lighting.
13. Are there any persons using gas for heating purposes at all? There are very few.
14. There is no protest against the Bill in any form? Not at all.
15. You do not know how many persons are using gas for heating and engine purposes? No. For engine-driving there would not be more than half a dozen persons altogether.
16. I suppose the Borough Council contemplates, as soon as they get the Bill, withdrawing their custom from the Gas Company? Yes.

Mr.
E. S. Holland.
12 Nov., 1890.

Mr.
E. S. Holland.
12 Nov., 1890.

17. I suppose this Company intend to supply private individuals with the electric light? Yes, the people are very anxious to have the electric light.
18. Are you sure the people will not suffer considerable loss by the establishment of the electric light? We believe, from the statements of the engineers and electricians who have supplied us with data to go upon, that it will be a gain rather than a loss to the citizens, and that we shall be able to supply electric lighting for street purposes at a cheaper rate than gas can be obtained at the present time.
19. I allude more particularly to those persons who are using gas for heating purposes and for engine-driving? Electricity will not apply to them. It will be used only for the lighting of shops and houses.
20. You know that when the electric light is established and private individuals are using electricity in preference to gas, the Gas Company must go down to a considerable extent? They will be able to supply all the more gas for heating purposes. The use of gas for cooking purposes would become general. There will be other means devised for the sustenance of the Gas Company.
21. *Mr. Curley.*] The Gas Company have been extending their operations for years? Yes.
22. So that any action which the Borough Council may take in the matter will really not affect the operations of the Company very much? Not at all.
23. *Mr. Ritchie.*] What are they getting the gas for now? 5s. 6d. a thousand feet.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BOROUGH OF WILLOUGHBY NAMING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 *July*, 1890.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 36. THURSDAY, 17 JULY, 1890.

3. BOROUGH OF WILLOUGHBY NAMING BILL (*Formal Motion*):—Mr. Cullen moved, pursuant to Notice,—
- (1.) That the Borough of Willoughby Naming Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. McMillan, Mr. Edmunds, Mr. Burns, Mr. Perry, Mr. McCourt, Mr. Kidd, Mr. Woodward, Mr. Ewing, and the Mover.
- Question put and passed.
-

VOTES NO. 37. TUESDAY, 22 JULY, 1890.

3. BOROUGH OF WILLOUGHBY NAMING BILL :—Mr. Cullen, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and Report this Bill was referred on 17th July, 1890 ; together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890.

BOROUGH OF WILLOUGHBY NAMING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly for whose consideration and report was referred, on 17th July, 1890, the "*Borough of Willoughby Naming Bill*,"—beg to report to your Honorable House:—

That they have examined the witness named in the margin (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

J. F. CULLEN,
Chairman.

*No. 3 Committee Room,
Sydney, 22nd July, 1890.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 22 JULY, 1890.

MEMBERS PRESENT:—

Mr. Cullen,	|	Mr. Burns,
Mr. Ewing,	|	Mr. Perry.

Mr. Cullen called to the Chair.

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

Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

William Hilson Pigott, Esq. (*Solicitor for the Borough of North Willoughby*), called in, sworn, and examined.

Witness withdrew.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Clauses 1 and 2 read and *agreed* to.

Title read and *agreed* to.

Chairman to report the Bill, without amendment, to the House.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BOROUGH OF WILLOUGHBY NAMING BILL.

TUESDAY, 22 JULY, 1890.

Present:—

MR. BURNS,	|	MR. CULLEN,
MR. EWING,	|	MR. PERRY.

J. F. CULLEN, ESQ., IN THE CHAIR.

William Hilson Pigott called in, sworn, and examined:—

1. *Chairman.*] You are the solicitor for the Borough of North Willoughby? I am.
2. You are acquainted with the circumstances under which they have brought in a Bill to alter the name of the borough? Yes.
3. Would you kindly give us the reasons for the bringing in of the Bill? The reason why the Council desire that the name should be changed is that there is no place existing which will show the distinction between the Borough of North Willoughby and any other Willoughby. They simply desire that inasmuch as there is only the one Willoughby, neither North nor South, nor East nor West, it shall simply be called the "Borough of Willoughby." The probability is that the North Shore Boroughs of St. Leonards, East St. Leonards, and Victoria will all be amalgamated, possibly under the name of North Sydney, and, therefore, they want to avoid the possibility of difficulty, and have the name "Willoughby" instead of "North Willoughby."
4. The alteration simply means the dropping of the word "North"? Yes.
5. Are you aware that the proposal has been duly approved at a meeting of the Council? I am so instructed by the Mayor. I believe there is no opposition on the part of anybody to the change.
6. This Bill will be amply sufficient to accomplish the alteration required? I think so.

W. H. Pigott.
22 July, 1890.

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BROKEN HILL AND PINNACLES TRAMWAY BILL.

PETITION FROM W. P. MACGREGOR AND OTHERS, OF BROKEN HILL, IN OPPOSITION TO, AND PRAYING TO BE HEARD BY COUNSEL OR ATTORNEY BEFORE SELECT COMMITTEE ON.

Received by the Legislative Assembly, 18 June, 1890.

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

The humble Petition of William Peter MacGregor, Jenkyn Collier, and Duncan Grant, of Broken Hill, in the Colony of New South Wales,—

SHOWETH:—

1. That leave has been obtained by Thomas Michael Slattery, Esquire, from your Honorable House, to bring in a Bill intituled, "A Bill to authorise the construction and maintenance of a tramway from the terminus on the western boundary of the Colony of New South Wales, of the South Australian Railway, by way of Thackaringa, the Pinnacles, and Broken Hill, to near Mount Gipps Hotel."

2. That your Petitioners will be seriously and injuriously affected and prejudiced and subjected to great loss if such Bill is passed, on the following grounds:—

- (a) That your Petitioners are large shareholders in a tramway authorised by the Act of Parliament in 1886 to be constructed from Cockburn to Broken Hill, *via* Silverton.
- (b) That this tramway is now open for traffic to Broken Hill, at a cost of two hundred and fifteen thousand one hundred and eighty-three pounds eight shillings and eightpence.
- (c) That this tramway is ample for all the traffic requirements of the district.

Your Petitioners therefore humbly pray that they may be heard by their counsel, attorney, or agent, or in person, before your Honorable House, or before the Select Committee in opposition to the said Bill and the provisions thereof, so far as the same relates to the said tramway, with liberty to adduce such evidence as they may be advised in opposition thereto, or in support of this petition.

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

Dated this thirteenth day of June, A.D. 1890.

[*Here follow 3 signatures.*]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BROKEN HILL WATER SUPPLY BILL.

(PETITION FROM CERTAIN INHABITANTS OF, IN FAVOUR OF.)

Received by the Legislative Assembly, 25 June, 1890.

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

The Petition of the inhabitants of the town of Broken Hill and surrounding districts in the said Colony,—

HUMBLY SHOWETH :—

That the present resident population of the said town and district is about 17,000 (seventeen thousand), and is very rapidly increasing.

That there is no adequate water supply for domestic or other purposes, and that your Petitioners have very seriously suffered in consequence, and unless an ample supply be obtained within a short time consequences very detrimental to the health and well-being of the inhabitants will result.

That the Broken Hill Water Supply (Limited) has had before your Honorable House, for about two years, a Bill which, if passed into law, would authorize the construction of works to conserve an adequate permanent supply of water from Stephen's Creek.

That, although your Petitioners would welcome a supply from any source, they are anxious that it be obtained within the shortest possible time, and at as low a price as possible.

That your Petitioners have every confidence in the scheme proposed by the said Bill, especially as it provides that the price shall not exceed 9d. (ninepence) per 100 gallons, and makes ample provision for supplying the mines, which, next to a domestic supply, is most important to your Petitioners.

That any further delay in passing the said Bill will prevent the conservation of a supply for the coming summer, and your Petitioners being seriously sensible of the great danger to the public health and injury to the mining and other industries of the town that may arise through the absence of an adequate water supply at such a time, they view with serious apprehension and alarm the present postponement of the said Bill, and dread the recurrence of the former disastrous water famine and consequent epidemic of typhoid fever.

May it therefore please your Honorable House to consider the urgency of the circumstances, take the said Bill into your favourable consideration, and pass the same into law.

And your Petitioners will ever pray, &c.

[Here follow 2,685 signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BROKEN HILL WATER SUPPLY BILL.
(PETITION FROM DIRECTORS OF MINING COMPANIES AT BROKEN HILL, IN FAVOUR OF.)

Received by the Legislative Assembly, 13 August, 1890.

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

Petition from Directors of Mining Companies at Broken Hill,—

HUMBLY SHOWETH:—

That the number of mines requiring water for steam and other purposes is about eleven.

That the existing supply of water for the purposes of the mines is very uncertain, and at times has fallen far short of actual requirements.

That even if the supplies of water obtained from the underground workings were sufficient in quantity, the quality is very injurious, especially to boilers.

That as the mines are worked to a greater depth it is doubtful if the lodes (in which the water lodges) will carry so much water as existed at the upper levels. This is chiefly owing to the less porous character of the lodes as depth is attained.

That a certain and adequate supply of water to the mines is almost as important as a supply to the town, for if the water supply to the mines for smelting, leaching, concentrating, and other purposes falls short of what is required, many men will be out of employment.

That your Petitioners are most anxious that an adequate supply be obtained in as short a time as possible, and they feel confident that if the Bill to enable the Broken Hill Water Supply (Limited), became law, a supply such as is necessary would be obtained within a reasonable time.

May it therefore please your Honorable House to consider the urgency of the circumstances, take the said Bill into your immediate favourable consideration, and pass the same into law.

And your Petitioners will ever pray, &c.

[Here follow 30 signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BROKEN HILL WATER SUPPLY BILL.

(PETITION FROM CERTAIN RESIDENTS UPON CROWN LANDS, NEAR BROKEN HILL, AGAINST.)

Received by the Legislative Assembly, 20 August, 1890.

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

The Petition of the undersigned residents upon Crown, leased, and other lands within the area which it is proposed to submerge with water by the Broken Hill Water Supply Company, on Stephens Creek, near Broken Hill, County of Yancowinna,—

HUMBLY SHOWETH :—

That the said Company purpose and are now constructing a weir upon the said creek, which when finished, will dam the waters of the creek up to twenty-eight feet level above its bed, thereby inundating several feet in depth Petitioners' present residences; and as this site for headworks, which the Company have selected since the last Session of Parliament, is nearer by two miles to Petitioners' holdings than that formerly fixed upon for such purpose, and to which Petitioners had no objections, whereas by this change of site, with no local publication being given of such change of site being made, your Petitioners, therefore, had no opportunity to point out their objections whilst the Bill was before a Select Committee of your Honorable House, as it had passed that stage before the change of site for headworks was determined upon; and if the works are carried out as now contemplated, the main line of road between Silverton and Wilcannia near Peise's Nob will be submerged with water over a mile in length, and at one point several feet over the top of a telegraph-post. It will also submerge the Public School at Eaglehawk village twelve feet deep in water, besides flooding and preventing any mining operations being carried on at Eaglehawk and Argus silver-mines. Each of these mines in consequence claims £50,000 damages. And as other sites upon the said creek are available, and better adapted for water conservation and headworks, by adopting which Petitioners' objections would be removed, your Petitioners therefore humbly pray that your Honorable House will be pleased to delay the passing of this measure authorizing construction of this dam at the site now proposed until your Petitioners' just claims have been satisfied.

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

[Here follow 24 signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

CITY OF NEWCASTLE GAS AND COKE COMPANY'S
ELECTRIC AND OTHER LIGHT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
11 *June*, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1890.

[1s. 6d.]

288-A

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 11. WEDNESDAY, 21 MAY, 1890.

10. CITY OF NEWCASTLE GAS AND COKE COMPANY'S ELECTRIC AND OTHER LIGHT BILL:—The following Petitions were presented by the Members named, submitting Petitioners' reasons for opposing the passing of this Bill, and praying the House to reject it altogether, or to so amend it that no additional powers may be given beyond those of its incorporation; and that the assent may be withheld until the various Municipal Councils in the district, acting in common and unanimously with Petitioners, may have leave to appear by Counsel or Attorney before the Select Committee on the Bill, with power to call witnesses and adduce evidence.
- (1.) By Mr. Creer—From the Mayor and Aldermen of the Municipal District of Waratah.
 - (2.) By Mr. Creer—From the Mayor and Aldermen of the Municipality of Adamstown.
 - (3.) By Mr. Alexander Brown—From the Mayor and Aldermen of the Municipal District of Hamilton.
 - (4.) By Mr. Alexander Brown—From the Mayor and Aldermen of the Municipality of Carrington.
 - (5.) By Mr. Melville—From the Mayor and Aldermen of the Municipality of Wallsend.
 - (6.) By Mr. Curley—From the Mayor and Aldermen of the Borough of Stockton.
- Petitions received.
Ordered (*by consent*), on motion of the Members named, That the prayer of the several Petitioners for leave to appear by Counsel or Attorney before the Select Committee on the Bill, and adduce evidence, be granted.

VOTES NO. 12. THURSDAY, 22 MAY, 1890.

5. CITY OF NEWCASTLE GAS AND COKE COMPANY'S ELECTRIC AND OTHER LIGHT BILL (*Formal Motion*):—Mr. Cullen moved, pursuant to Notice,—
- (1.) That the City of Newcastle Gas and Coke Company's Electric and Other Light Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
 - (2.) That such Committee consist of Mr. Bruce Smith, Mr. Fletcher, Mr. Burns, Mr. Kidd, Mr. Curley, Mr. Ewing, Mr. Street, Mr. Wright, and the Mover.
- Question put and passed.

VOTES NO. 13. TUESDAY, 27 MAY, 1890.

2. CITY OF NEWCASTLE GAS AND COKE COMPANY'S ELECTRIC AND OTHER LIGHT BILL:—The following Petitions were presented by the Members named, submitting Petitioners' reasons for opposing the passing of this Bill, and praying the House to reject it altogether, or to so amend it that no additional powers may be given beyond those of its incorporation; and that the assent may be withheld until the various Municipal Councils in the district, acting in common and unanimously with Petitioners, may have leave to appear by Counsel or Attorney before the Select Committee on the Bill, with power to call witnesses and adduce evidence.
- (1.) By Mr. Melville—From the Mayor and Aldermen of the Municipality of Plattsburg.
 - (2.) By *Mr. Creer*, for Mr. Fletcher—From the Mayor and Aldermen of the City of Newcastle.
- Petitions received.
Ordered (*by consent*), on motion of the Members named, That the prayer of the Petitioners for leave to appear by Counsel or Attorney before the Select Committee on the Bill, and adduce evidence, be granted.

VOTES NO. 16. TUESDAY, 3 JUNE, 1890.

4. CITY OF NEWCASTLE GAS AND COKE COMPANY'S ELECTRIC AND OTHER LIGHT BILL:—Mr. Creer presented a Petition from the Mayor and Aldermen of the Municipality of Merewether, submitting Petitioners' reasons for opposing the passing of this Bill, and praying the House to reject it altogether, or to so amend it that no additional powers may be given beyond those of its incorporation; and that the assent may be withheld until the various Municipal Councils in the district, acting in common and unanimously with Petitioners, may have leave to appear by Counsel or Attorney before the Select Committee on the Bill, with power to call witnesses and adduce evidence.
- Petition received.
Ordered (*by consent*), on motion of Mr. Creer, That the prayer of the Petitioners for leave to appear by Counsel or Attorney before the Select Committee on the Bill, and adduce evidence, be granted.

VOTES NO. 20. WEDNESDAY, 11 JUNE, 1890.

9. CITY OF NEWCASTLE GAS AND COKE COMPANY'S ELECTRIC AND OTHER LIGHT BILL:—Mr. Cullen, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and Report this Bill was referred on 22nd May, 1890; together with Appendix and a copy of the Bill as amended and agreed to by the Committee.
Ordered to be printed.

* * * * *

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1890.

CITY OF NEWCASTLE GAS AND COKE COMPANY'S ELECTRIC AND OTHER
LIGHT BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 22nd May, 1890, the "*City of Newcastle Gas and Coke Company's Electric and other Light Bill*," and to whom the following Petitions were also referred,—on 21st May, 1890, the "*Petitions of the Mayors and Aldermen of the Municipalities of Wallsend, Carrington, and Adamstown, and the Municipal Districts of Hamilton and Waratah, and the Borough of Stockton, praying for leave to appear by Counsel or Attorney before the Select Committee*;"—on the 27th May, 1890, the "*Petitions of the Mayor and Aldermen of the Municipality of Plattsburg, and the Mayor and Aldermen of the City of Newcastle, praying for leave to appear by Counsel or Attorney before the Select Committee*;" and on the 3rd June, 1890, the "*Petition from the Mayor and Aldermen of the Municipality of Merewether, praying for leave to appear by Counsel or Attorney before the Select Committee*,"—beg to report to your Honorable House :—

That they have examined the witnesses named in the list* (whose *See List, p. 8. evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses of the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

No. 2 Committee Room,
Sydney, 11 June, 1890.

J. F. CULLEN,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 27 MAY, 1890.

MEMBERS PRESENT:—

Mr. Burns,	|	Mr. Cullen,
Mr. Kidd,	|	Mr. Curley.

Mr. Cullen called to the Chair.

Entries from Votes and Proceedings appointing the Committee, and *referring* Petitions of the Mayors and Aldermen of the Municipalities of Wallsend, Carrington, and Adamstown, Municipal Districts of Hamilton and Waratah, and the Borough of Stockton, praying for leave to appear by Counsel or Attorney against the Bill, *read* by the Clerk.

Printed copies of the Bill *referred*, together with original Petition to introduce the same, and the original Petitions *referred* before the Committee.

Present:—H. J. Brown, Esq. (*Solicitor for the Bill*); W. H. Baker, Esq. (*Solicitor for the opponents of the Bill*).

Room cleared.

Committee deliberated.

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

THURSDAY, 29 MAY, 1890.

MEMBERS PRESENT:—

Mr. Cullen in the Chair.

Mr. Street,	|	Mr. Wright,
Mr. Kidd,	|	Mr. Curley,
Mr. Ewing,	|	Mr. Burns.

Entry from Votes and Proceedings, *referring* Petitions of the Mayor and Aldermen of the Municipality of Plattsburg and the City of Newcastle, praying for leave to appear by Counsel or Attorney before the Select Committee on the Bill, *read* by the Clerk.

Original Petitions before the Committee.

Present:—H. J. Brown, Esq. (*Solicitor for the Bill*); W. H. Baker, Esq. (*Solicitor for the opponents of the Bill*).

Charles Frederick Stokes (*Chairman of the City of Newcastle Gas and Coke Company, Limited*), called in, sworn, and examined by Mr. Brown.

Cross-examined by Mr. Baker.

Witness withdrew.

Phillip Billingsley Walker (*Assistant Superintendent of Telegraphs*) called in, sworn, and examined by Mr. Brown.

Cross-examined by Mr. Baker.

Witness withdrew.

Archibald Langwill (*Secretary to the City of Newcastle Gas and Coke Company, Limited*), called in, sworn, and examined by Mr. Brown.

Cross-examined by Mr. Baker.

Witness withdrew.

Colin Christie (*Mayor of Newcastle*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

John Beveridge (*Mayor of Stockton*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

Alfred Harnett Clapin (*Mayor of Waratah*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

William Thomas Dent (*Mayor of Lambton*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

Room cleared.

Committee deliberated.

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

WEDNESDAY, 4 JUNE, 1890.

MEMBERS PRESENT:—

Mr. Cullen in the Chair.

Mr. Wright,	|	Mr. Burns,
	|	Mr. Curley.

Present:—H. J. Brown, Esq. (*Solicitor for the Bill*); W. H. Baker, Esq. (*Solicitor for the opponents of the Bill*).

Entry

Entry from Votes and Proceedings referring Petition of the Mayor and Aldermen of the Municipality of Merewether, praying for leave to appear by Counsel or Attorney before the Select Committee on the Bill, read by the Clerk.

Original Petition from Mayor and Aldermen of the Municipality of Merewether before the Committee.

Mr. Baker intimated that he also appeared for the Municipality of Merewether.

David Watson (*Alderman of Waratah*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

John R. Rodgers (*Alderman of Newcastle*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

Edward Scott Holland (*Town Clerk, Newcastle*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

James Myers (*Mayor of Wickham*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

Thomas Frith (*Mayor of Adamstown*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

Joseph William Oldham (*Mayor of New Lambton*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

George Brown (*Mayor of Merewether*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

Thomas Garrett (*Alderman of Carrington*) called in, sworn, and examined by Mr. Baker.

Cross-examined by Mr. Brown.

Witness withdrew.

Edward Scott Holland called in and further examined.

Witness withdrew.

Charles Frederick Stokes called in and further examined.

Room cleared.

Committee deliberated.

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

TUESDAY, 10 JUNE, 1890.

MEMBERS PRESENT:—

Mr. Cullen in the Chair.

Mr. Kidd,

Mr. Wright,

Mr. Burns,

Mr. Ewing.

Present:—H. J. Brown, Esq. (*Solicitor for the Bill*); W. H. Baker, Esq. (*Solicitor for the opponents of the Bill*).

William Henry Baker, Esq. (*Solicitor*), sworn and examined.

Witness produced letter dated 14 October, 1885, from Council Clerk, Waratah, to Newcastle Gas Co., asking terms for supply of gas, and handed in letter from the City of Newcastle Gas and Coke Co. (Limited), to Mayor and Aldermen of the Municipality of Waratah. (*See Appendix*.)

Cecil West Darley (*Engineer-in-Chief for Harbours and Rivers*) called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,” put and passed.

Solicitors called in and informed.

Room cleared.

Committee deliberated.

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

WEDNESDAY, 11 JUNE, 1890.

MEMBERS PRESENT:—

Mr. Cullen in the Chair.

Mr. Curley,

Mr. Ewing,

Mr. Wright,

Mr. Burns.

Present:—H. J. Brown, Esq. (*Solicitor for the Bill*); W. H. Baker, Esq. (*Solicitor for the opponents of the Bill*).

Clauses 1, 2, 3, 4, 5, and 6, read, amended,* and agreed to.

Clauses 7, 8, 9, 10, and 11, read and agreed to.

Clauses 12 and 13 read, amended,* and agreed to.

Clauses 14 and 15 read and agreed to.

Clause 16 read, amended,* and agreed to.

Clauses 17, 18, 19, 20, 21, 22, and 23 read and agreed to.

* See Schedule of Amendments.

Clauses

*See Schedule of Amendments.

Clause 24 read, amended,* and *agreed to*.
 Clauses 25, 26, 27, 28, and 29 read and *agreed to*.
 Title read and *agreed to*.
 Chairman to report the Bill, with amendments, to the House.

SCHEDULE OF AMENDMENTS.

Page 1, clause 1, line 19.	<i>After</i> "miles" <i>insert</i> "from the intersection of Hunter and Bolton Streets, subject to any limitations hereinafter provided"
" 2, " 2, " 35.	<i>After</i> "supply" <i>insert</i> "illuminants"
" 2, " 2, " 35.	<i>After</i> "the" <i>insert</i> "area afore specified"
" 2, " 2, lines 35 and 36.	<i>Omit</i> "Borough of Newcastle and a radius of ten miles therefrom"
" 3, " 3, line 17.	<i>After</i> "fit" <i>insert</i> "Provided further that nothing in this Act shall give the said Company the power to enter upon any street or other parts of any Municipality other than the Borough of Newcastle, without first having obtained the consent of such Municipality given under seal. Provided nothing embraced in the above limitations shall bar the said Company from laying mains through any Municipality for the sole purpose of supplying electricity or illuminants, as provided for by the Act to other Municipalities"
" 3, " 4, " 18.	<i>Omit</i> "twenty-four" <i>insert</i> "forty-eight"
" 3, " 4, " 26.	<i>After</i> "work" <i>insert</i> "Provided that where any such opening or breaking-up may interfere with or affect any waterworks or sewerage works, or any reservoir, main sewer, drain, or pipe, or other works belonging thereto, the like notice shall be given to the body or officer having the control or maintenance thereof or someone duly nominated for the purpose"
" 3, " 5, " 27.	<i>After</i> "emergency" <i>insert</i> "as aforesaid"
" 3, " 6, " 39.	<i>Omit</i> "convenient" <i>insert</i> "possible"
" 5, " 12, " 20.	<i>After</i> "Telegraphs" <i>insert</i> "or other officer nominated by the Governor for that purpose"
" 5, " 12, " 23.	<i>After</i> "Superintendent" <i>insert</i> "or other officer"
" 5, " 12, " 35.	<i>After</i> "Superintendent" <i>insert</i> "or other officer as hereinbefore provided"
" 5, " 13, " 43.	<i>Omit</i> "three thousand" <i>insert</i> "two thousand five hundred"
" 6, " 16, " 22.	<i>After</i> "them" <i>insert</i> "subject to same notice and superintendence as provided for in clauses 4 and 5"
" 7, " 24, " 22.	<i>Omit</i> "other"

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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CITY OF NEWCASTLE GAS AND COKE COMPANY'S
ELECTRIC AND OTHER LIGHT BILL.

THURSDAY, 29 MAY, 1890.

Present:—

MR. BURNS.	MR. KIDD.
MR. CURLEY.	MR. STREET.
MR. EWING.	MR. WRIGHT.

J. F. CULLEN, ESQ., IN THE CHAIR.

Mr. H. J. Brown, Solicitor, appeared on behalf of the promoters of the Bill.

Mr. W. H. Baker, Solicitor, appeared on behalf of several Municipal Councils petitioning against the Bill.

Mr. Charles Frederick Stokes called in, sworn, and examined:—

1. *Chairman.*] You reside where? At Newcastle.
2. *Mr. Brown.*] You are Chairman of the City of Newcastle Gas and Coke Company (Limited)? Yes.
3. That company is incorporated by Act of Parliament, is it not? Yes.
4. Do you produce a copy of the Act of incorporation? Yes.
5. The object of the company was to supply light? Yes.
6. And at the date of the Act of incorporation gas was the only known means of distributing light? Yes.
7. You are now desirous that power to supply light in other forms should be given to the company? Yes.
8. Does the application for the present Bill meet with the approval of the shareholders of the company? Yes.
9. Do you believe that in the interests of the company it will be a good thing to give them the power sought for in this Bill? Yes.
10. Perhaps you will explain to the Committee a little more in detail why you think the power should be given? At the time of the formation of the company gas was the only illuminating power for general distribution known, but in the developments of science other systems of lighting have come into vogue, and electricity particularly. In order to keep pace with the times, and to prevent the use of electricity or any other means of lighting, rendering the money already expended by the gas company useless, it was decided that it was necessary, in the interests of the company, that Parliament should be applied to for an extension of the company's powers enabling them to supply gas, electricity, lime-light, or any other light which might be developed. There is no idea at all, as seems to be imagined in some quarters, of asking for a Bill to confer a monopoly upon the gas company. We ourselves have no particular system upon which to start; we simply wish for the power to avail ourselves of any system which may be offered to us—which it may seem to us good to adopt.

Mr.
C. F. Stokes.
29 May, 1890.

- Mr. C. F. Stokes.
29 May, 1890.
11. Do you think that, with the land and plant you already have, you will be in a position to supply electricity to intending customers at a cheaper rate than that at which it would be supplied by another company? I think that we can supply it better than anyone else.
 12. Then it would be an advantage to the public of Newcastle as well as to the company if the company had the power sought? Yes; I think we should have power to supply electricity or any other light and gas also. We should then have two systems to fall back upon.
 13. Are you of opinion that the provisions of the Bill sufficiently protect the public? As far as I know them, I think they do.
 14. I believe a general Bill was applied for a Session or two ago? Yes; some time ago I believe a Bill was applied for. I think a Select Committee of the House approved of the Bill. This Bill runs closely upon the lines of that measure, in fact, almost exactly upon its lines in all the central points—that is to say, that all requisite provisions for the safeguarding of the public are contained in it.
 15. All the requisite provisions for the safeguarding of the public are embodied in this Bill? Yes.
 16. Are you willing that any alterations or provisions for the public safety should be made in the Bill? Certainly; we should only be too glad to have any alterations if there were anything objectionable in the Bill. I may say that we sent the Bill round to all the municipalities to see if objection could be raised to any particular part of it.
 17. And have you received any objections? No objections have been made to it as far as we know.
 18. Did you invite them to make suggestions for the protection, and for the better safety, of the public? I do not know that any particular question was asked with reference to the safety of the public. I think the municipalities were asked to be good enough to submit any alterations or amendments which they thought fit to submit.
 19. Have you received any intimation from any of the municipalities that the Bill was objected to as not sufficiently providing for the public safety? No; but I believe they object *in toto* to our having the Bill, although for what reasons, I do not know.
 20. What area did your original Act empower you to cover with your lighting? The original Act, if I recollect aright, gave us power to cover Newcastle and its suburbs.
 21. *Mr. Wright.*] Were no limits defined? I do not think so.
 22. *Chairman.*] In the present Bill, is the company asking for power to cover a further area? It asks for power to cover an area within a radius of 10 miles of Newcastle.
 23. Would it go beyond what are known as the suburbs of Newcastle? It would be hard to say just now what are really suburbs. When the company was incorporated, twenty-four or twenty-five years ago, there were not any adjacent municipalities. Now there are adjacent municipalities; Waratah and Wallsend are incorporated, and, as a matter of fact, our Bill would extend to those areas. I may say, however, that if there were any objection to our covering those areas we should have to restrict our powers in that respect. All that we wish is to be in a position to give the public light if they want it.
 24. *Mr. Curley.*] What is the furthest extent to which you have gone with your lighting up to the present time? I could not tell you the distance in miles; but we have gone as far as Tighe's Hill, Waratah, and through Wickham.
 25. What is the approximate distance? I should say about 4 miles.
 26. *Mr. Kidd.*] I suppose all these municipalities have been created outside of Newcastle since the original Act was passed? I am not sure about Waratah, but I think so.
 27. *Mr. Curley.*] When the first Act was introduced, had you any design for carrying the light beyond the Borough of Newcastle? Yes; we proposed to supply Newcastle and the suburbs.
 28. What did you then regard as the limit of the suburbs? It is hard to tell what they were.
 29. *Mr. Ewing.*] Is the Municipal Council of Newcastle opposing you? I believe they are going to oppose us.
 30. Do you know whether that course was determined upon by a majority of the council? Yes.
 31. Have you any idea as to why? No.
 32. I presume it is imagined that some rights for which you ask would conflict with the rights or powers of the Municipal Council? I do not know. My idea is, that the Municipal Council desire the sole right to light with electricity.
 33. You said just now that you wanted two systems to fall back upon; but I presume that if two systems of lighting were to come into collision the better system would be retained? That depends, among other things, upon the price. In some cases one system might be adopted, and in other cases the other.
 34. So that there is no doubt that Newcastle would eventually be lit by the best light? Yes.
 35. Suppose you were not willing to supply the best light and this Bill were given to you, in what position would anyone else stand anxious to supply the light? Any one else could come in if they chose.
 36. If this Bill is passed? Yes.
 37. Then you have no special right under the Bill? No.
 38. *Mr. Wright.*] Is it not a fact that the Borough of Newcastle have been calling for tenders for lighting the borough with electricity? Yes.
 39. With a view to establishing a company? No; but with a view to some persons taking the matter up.
 40. The council want the control of the lighting of the municipality in their own hands? I suppose they do.
 41. *Mr. Baker.*] How long have you been chairman of the gas company? Sixteen or seventeen years.
 42. Are you a large shareholder in the company? Yes, fairly so.
 43. What interest has been paid to the shareholders during the last five, seven, or ten years? They have been receiving 15 per cent.—the same as the shareholders of the Sydney Gas Company.
 44. For how many years is that? For the last five or six years at any rate.
 45. Are you aware that the Borough Council of Newcastle have petitioned the House to pass a Bill enabling them to supply the electric light? No; I am not aware of it.
 46. Are you aware that they have filed a petition in opposition to this Bill passing? No, I am not aware of that; but I heard that they were going to oppose us.
 47. Not only Newcastle, but Waratah, Wickham, Hamilton, Stockton, Plattsburgh, and Wallsend? I heard that they were going to oppose us here.
 48. Are you aware that at the present time there are gasworks at Waratah? Yes.
 49. Also at Plattsburgh? Yes.

50. Then if another company or public body petition for an Act of Parliament allowing them to introduce electricity, would not the granting of the Act materially interfere with the value of the shares in these gas companies? I do not know that it would—it has not had that effect in other places.

51. But is it not calculated to have that effect? I do not know that it is.

52. If the electric light were introduced at a very low rate in a locality supplied with gas, do you not think the value of gas shares would be decreased? I do not know that it would; it has not had that effect in other places.

53. Would it increase the consumption of gas? I do not suppose that it would increase the consumption of gas.

54. But would it not materially interfere with the value of shares? Not necessarily so.

55. Do you not know, as a matter of fact, that the council have had this matter under consideration for some time—I mean the question of introducing a Bill in Parliament enabling them to supply the electric light? No; I do not.

56. Has not the matter come before your Board? No, or I should be aware of it.

57. You might not have been present at that particular meeting? I am present at all the Board meetings.

58. It is a private company? Yes.

59. Can you tell me in round numbers how many shares have been issued altogether by the Gas Company? Twenty-two thousand five hundred.

60. What is the value of those shares at the present time? I do not know the market value.

61. Can you give us an approximate idea of the value? I suppose they would be worth about £3 a share.

62. *Mr. Street.*] What are they—£1 shares? £2 shares.

63. *Mr. Baker.*] Could you say what they were worth five years ago? I could not say.

64. Have the shares increased within the last four or five years? I think not; I think they are about the same value.

65. But I mean in number? Oh, yes; they have been increased in number.

66. To what extent? The issue of shares has been doubled.

67. Within what time? Within the last twelve months.

68. Has not your company a large contract with the Borough of Newcastle for the supply of gas? A contract terminating at the end of this year.

69. What amount has the council been paying the company for the last five years? I cannot say.

70. Are the figures, to your knowledge, very large? Not very large, comparatively speaking.

71. What is the price per lamp? I think it is £5 per lamp per annum, but I am not quite sure. I think it is the same price as the Sydney Gas Company are charging.

72. Besides declaring a dividend of 15 per cent., have you not been putting money into a reserve fund with a view to an extension of your works? To provide for depreciation and writing off.

73. As a matter of fact, you are applying to Parliament now to protect the interests of the shareholders against any other company coming in? No; we want our powers extended. We want to avail ourselves of any new light which may come in, otherwise we are restricted to one light.

74. You want to be first in the field with a new light? We want to be able to avail ourselves of any other system which may offer.

75. And not to prevent any other persons from coming in? No; any other persons who like can come in.

76. Do you say now that you, a member of the Board, were not aware that the council was taking up this matter, and intended to apply to Parliament for a Bill? I knew they were taking up the matter with a view to borrow money.

77. But I mean with a view to the passing of a Bill to enable them to supply electricity? With a view to borrow money.

78. What for? To go into a contract—to pay for this electric light.

79. When were you aware of that; was it long before you petitioned Parliament? No; not long before we petitioned Parliament. I think we petitioned Parliament a considerable time ago. They were to have brought in a Bill last Session; but I think it was advertised before.

80. Were you aware of it before the present Session of Parliament? Yes; before the present Session.

81. I notice that in one of the clauses of your Bill an area of 10 miles is mentioned; would not that take in Waratah and Hamilton? It would take in Waratah, Hamilton, Wallsend, Plattsburgh, Tighe's Hill, and all those places.

82. And Lambton? Yes.

83. And Stockton? Stockton is over the water; I do not think we should trouble Stockton.

84. It would take in all the municipalities within a radius of 10 miles? Yes.

85. *Mr. Burns.*] How long has the City of Newcastle Gas and Coke Company (Limited) been in existence? About twenty-four years.

86. Have you been a shareholder for many years? A great number of years.

87. Do you recollect whether, from its earliest stages, your company was a paying one? For years it paid nothing.

88. Are you aware that in England experience has shown that the introduction of electricity does not affect the value of gas shares? I am quite sure of that.

89. Has the company made arrangements to carry out this undertaking of supplying Newcastle, and a wider area? Yes.

90. You have capital and means to carry out the undertaking? Yes.

91. This Bill will give you no monopoly? No.

92. It would be open to a private company to start an undertaking of a similar character if they thought fit? Yes.

93. *Mr. Wright.*] In the event of your company getting the concession asked for, would it not have a prejudicial effect upon the interests of the gas-works which have been erected by some of the municipalities outside Newcastle? I do not think it would.

94. You think that your having the power to extend your operations to these suburbs, and to give them electricity or gas, would not depreciate the value of their property? No.

95. *Mr. Brown.*] Do you know if gas companies in other parts of the world are applying for powers similar to those which are contained in this Bill? I believe there is a gas company—I cannot now recollect the place—in England doing the same thing.

Mr.
C. F. Stokes.
29 May, 1890.

Mr.
C. F. Stokes.
29 May, 1890.

96. Is it not a fact that gas is more suitable for lighting up some places than electricity, and that in other cases electricity is better than gas? Well, as far as I have read the records of what has been done with electricity in comparison with gas, I think that on the whole electricity has not yet got beyond the experimental stage. If the difficulty attending the distribution of electricity is properly solved—and that has not yet been done—and if electricity can be consumed in the locality where it is made, then I think the electric light would compare with gas as to cost.

97. You have not quite caught the drift of my question. We will take the case of a theatre,—which would be better as an illuminant—gas or electricity? In any case where a large centre can be at once lighted from one dynamo the electric light would do; but where distribution is necessary the electric light will not bear comparison with gas.

98. But from a sanitary point of view, is not electricity better than gas in some places as a means of illumination? It is in some cases; in other cases they say that it affects the eyes and is not as good as gas.

99. *Mr. Baker.*] Does this Bill not give the company power, within 10 miles, to lay any pipes without consulting the local council? I do not think so. I think every provision is made for that; at least it is intended that it should be.

100. But under the 4th clause, could not the company break up roads after giving twenty-four hours notice without consulting the council? I am under the impression that everything has to be done under the superintendence of the council.

Mr. Phillip Billingsley Walker called in, sworn, and examined:—

Mr.
P. B. Walker.
29 May, 1890.

101. *Mr. Brown.*] You are the Assistant Superintendent of Telegraphs? Yes.

102. The Superintendent of Telegraphs is, I believe, at the present time absent from the Colony? Yes; he is in Melbourne.

103. Has the City of Newcastle Gas and Coke Company's Bill for the supply of electricity been submitted to you? Yes; within the last few days.

104. Have you perused the Bill? I have.

105. Have you any objection to its provisions, or any suggestions, to make in the interests of the public? I think the third clause requires some alteration. I will refer you to page 3, lines 4 to 15. The clause says—“It shall be lawful for the said company from time to time to place, leads, wires, cables, or conductors, necessary for conveying the electricity or means of illumination to be supplied by them under, over, along, or across any street, road, lane, or open public reserve, within the area of operations, and for that purpose to erect such posts or attach such brackets or other means of support, and make such excavations and lay down and fix such pipes, cables, wires, leads, or other conductors, transformers, and other appliances as may be necessary.” I think provision should be made for supervising authority with regard to the erection of supports, the distance at which the supports are to be placed apart, and so forth. That would be for the protection of the public, so that the wires may not come into contact with other lines. The clause continues:—“Provided that no unnecessary damage be done in the execution of the works aforesaid and that all damage shall be forthwith made good or compensation be given therefor as hereinafter mentioned.” You will see that the question of damage is dealt with, but it does not provide for the appointment of any officer for the express purpose of looking after the matter. I think a clause is also necessary to enforce the placing of wires underground. The clause then goes on to provide:—“Provided further that where any electric line shall be placed above ground by the company the Supreme Court, or a Judge thereof, upon complaint made, and on being satisfied that such electric line is or is likely to become dangerous to the public safety, may make an order directing and authorizing the removal, alteration, or amendment of such electric line by such person and upon such terms as to such Court or Judge may seem fit.” You will see that it refers to an appeal to the Supreme Court; but that, in my judgment, would be too long a process. The matter would virtually rest in the hands of an expert, and it would be far better to have a proper expert appointed in the first instance to deal with the whole thing. If it were necessary to appeal afterwards to the Court that could be done.

106. *Mr. Burns.*] Would you have an expert in the employ of the Government? Yes; I think there should be a Government officer to perform the work. I think it would also be necessary, pending the adoption of regulations in the Colony of New South Wales for electric lighting, to adopt the Board of Trade regulations; that is not provided for.

107. *Mr. Wright.*] What are the provisions of the Board of Trade regulations? They are very lengthy. The object would be to bind the company to certain regulations in connection with all sorts of matters in regard to electric lighting, with a view to the protection of the public interest. These regulations could be easily adopted. All that it would be necessary to do would be to insert the words, “subject to the regulations of the Board of Trade.” You need not incorporate the regulations in the Act. Then, I think that another matter which should be incorporated is the English Electric Light Act of 1888. I have a copy of the Act here, and I think the Bill should be made subject to its provisions as far as necessary. Then, as regards clause 12, page 5, providing for the protection of telegraph lines, I think the Superintendent of Telegraphs, or some other authorized Government officer, should have full power to prevent electric light wires from being erected near telegraph or telephone wires if, in the opinion of such officer, they would by any accident or carelessness cause damage. In 1883 or 1884 the telephone wires were damaged, and the whole of the telephone communication of the city was stopped in consequence of an accident to the electric light wires. I think the portion of the clause from lines thirteen to sixteen reads too vaguely. Then, as to clause 13, page 5, the Committee will see that it provides for the electro motive force of current. It says, “No continuous electric current shall be supplied by the company to any electric line, main, or cable having an electro motive force of more than 3,000 volts for the arc electric light, and of more than 300 volts for the incandescent electric light, and no alternating current shall be so supplied having an electro motive force of more than 1,000 volts without previously giving written notice to the Superintendent of Telegraphs.” I think the voltage power should be fixed at 2,500 volts for the arc light, and I think 300 would be sufficient for the incandescent light. I think also that provision should be made for a scale of insulation to correspond with the increase of voltage. If you want to increase the voltage power, increased insulation should be provided for. Then, on page 6, line 2, I think that after the words “Superintendent of Telegraphs,” the words “or other officer authorized by the Government in that behalf,” should be inserted. I do not think clause 18 is necessary. I do not think power should be vested in any company
to

to enter a building. The Gas Company do not enter a building to put meters on; they put the meters outside. This clause, therefore, in my opinion, should be struck out. Then I think the powers of entry conferred by clause 23 are dangerous and not necessary. Clause 24, I think, is *ultra vires*, and is besides unnecessary.

Mr.
P. B. Walker.
29 May, 1890.

108. *Mr. Burns.*] That has reference to the property of the company itself? They can take whatever remedy they like—the law is open to them.

109. *Mr. Brown.*] Do you think that if the Bill is amended in the particulars you suggest it will give the necessary protection to, and the necessary precautions for, the safety of the public and private property? I think so.

110. *Mr. Wright.*] In addition to the Newcastle Gas and Coke Company, there are, I understand, two or three companies in the suburban portion of Newcastle,—in your opinion, would the extended power sought for by this company have a prejudicial effect upon other and smaller companies? That is a question to which I have not given any consideration.

111. You say that clause 23 should be struck out; but would it not be necessary to enter buildings to make and remove connections? If you want to fix gas-fittings, you do not want to go in forcibly. If a person wants the electric light, he will allow a workman to enter and lay it on.

112. But suppose you want to remove the fittings? I suppose the same thing would apply; but if the fittings are fixtures, you cannot remove them.

113. The Sydney Gas Company lends gas cooking stoves to its customers on the time-payment system and on rental;—is it not necessary that they should have power to take possession of their property in the event of the tenant being a defaulter? I suppose there would be the document showing the existence of a temporary agreement.

114. But no document would give you power to enter a house unless the law provides for it? Well, I do not think the power is necessary. As I have already pointed out, gas meters are not fixed inside a house, but outside, and all fittings are supposed to be paid for by the landlord or the tenant.

Mr. Archibald Langwill called in, sworn, and examined:—

115. *Mr. Brown.*] You are Secretary to the City of Newcastle Gas and Coke Company? Yes.

Mr.
A. Langwill.
29 May, 1890.

116. *Mr. Stokes* has spoken of a letter which was sent by the Company to the various municipalities;—have you a press copy of it? Yes.

117. What is the date of it? The 20th January, 1890.

118. Will you read it to the Committee? Yes; it is as follows:—

The Council Clerk, New Lambton,—

Dear Sir,

Newcastle, 20 January, 1890.

I have the honor of forwarding you a copy of the Bill proposed to be submitted to Parliament during next Session, for the purpose of extending the powers of this Company, so as to enable it to supply electric or other light as well as gas.

You will observe that the Bill has been prepared with due regard to the authority of your council as custodians of the public streets, and upon the lines of a Bill amended and agreed to by a Select Committee of the Legislative Council of New South Wales, entitled the New South Wales Electric Light and Power Act.

We trust that its provisions will meet the views of your Council. Should there, however, be anything which your Council may consider objectionable, my Directors would be glad to be informed, with the view of meeting, as far as possible, any reasonable cause of complaint.

Copies sent to the following municipalities:—Merewether, Wickham, Carrington, Lambton, Plattsburgh, Waratah, Wallsend, Newcastle, New Lambton.

I have, &c.,

A. LANGWILL, Secretary.

119. Have you received a reply from any of the municipalities? No reply.

120. To what councils did you send the letter? To Merewether, Wickham, Carrington, Lambton, New Lambton, Plattsburgh, Waratah, Wallsend, Hamilton, Adamstown.

121. Did you send one to the Newcastle Council? Yes.

122. And you have received no objection to the form of the Bill from any of them? No.

123. *Mr. Kidd.*] And no approval? No.

124. *Mr. Baker.*] Do you know what money has been put aside as a reserve fund by the Gas Company during the last four or five years? I could not say.

125. Is it a large amount? I suppose it is the same as in other companies.

126. But, in round numbers, what is the amount outside what is paid in 15 per cent. dividends? I have not made a note of it.

127. But does not your memory serve you? I think the reserve is about £9,000 at the present time.

128. *Mr. Burns.*] What is the paid up capital? £22,500. A call of 5s. has been made lately, and part of it was paid. It is due on the 1st June—that is the whole of it.

129. What is the uncalled capital? About £20,000.

130. Of course it is quite correct that for the last four or five years you have been paying 15 per cent? 10 per cent. dividend and a bonus of 5 per cent.

131. *Mr. Brown.*] The percentage you speak of is on the original capital? Yes.

132. What was the original capital? £2 a share.

133. How many shares? There were 11,250 original shares. There has been a fresh issue lately of the same number of shares of which 5s. has been called up and is due on the 1st June.

134. *Mr. Burns.*] But the present shareholders do not get 15 per cent.? The 15 per cent. is not payable on the new shares.

135. *Mr. Kidd.*] What is the market value of the old shares? I have not seen them quoted for months, so that I could not say.

136. *Mr. Baker.*] Are not the new shares issued held principally by the old shareholders—had they not the preference in taking up the new shares? They had a prior right to them.

137. Did they not, as a matter of fact, take them up? They are not taken up until the 1st June, so that I cannot say.

138. But the original shareholders had a prior right to take them up? Yes.

139. *Mr. Kidd.*] What is the number of shareholders? From 130 to 150.

Colin Christie called in, sworn, and examined:—

140. *Mr. Baker.*] You are Mayor of Newcastle? I am.

141. Has the council sent in a petition to the House opposing the passing of this Bill introduced by the City of Newcastle Gas and Coke Company? We have.

142. The Gas Company is a private company? It is.

Mr.
C. Christie.
29 May, 1890.

Mr.
C. Christie.
29 May, 1890.

143. Have the Corporation for some time past had this matter of lighting before them, with a view of introducing a Bill into Parliament? Yes; the Municipal Council have for the last twelve months been considering the matter, and have passed a resolution to the effect that a Bill should be sought from Parliament, enabling them to light the city with electricity. They feel that they have, under the present Act, power to light the streets. What they are asking for is for the power to supply light to private consumers. For the purpose of lighting the streets and for this contemplated supply to private consumers, they have lately entered into a contract, and have accepted a tender for the supply of the plant to produce the light.

144. What amount of money is there between the contractor and the council at the present time? I really forget the exact amount of money.

145. About what do you think it is? About £11,000, I think; but the Council Clerk will tell you exactly.

146. What do you pay the Gas Company per annum for gas at the present time? £5 10s. per lamp; the number of lamps I could not give you. The price is £5 10s. per lamp up to the end of the present year. They did offer to supply us at a less figure—£4 17s. 6d. per lamp, I think—if we entered into a contract for five years, but that was not done.

147. I suppose that the deliberations of the council have been published from time to time, showing that this matter was being considered by them? At all times the council meetings are held with open doors, and the representatives of the press are present.

148. I suppose reports of your proceedings have been published in the *Newcastle Morning Herald*? Yes; and when we had a second paper, the proceedings were also published in it.

149. Why do you object to the present Bill passing at the instance of the Gas Company? The council think it would militate against the success of the scheme they have in hand in the interests of the public in regard to which they have applied to Parliament for the necessary power. The supply of electricity by the council would be equivalent to the supply of a co-operative institution, and all the profits would go to augment the funds of the council—they would be public funds. For that reason we think we would be taking a right step in the public interest in objecting to any one coming in to oppose us. We were the first to think of the electric light, and we were the first to make a stir in the matter. When we had done so the Gas Company came in and got a little in front of us. You were talking just now of the price of gas. I was an alderman twenty-five years ago, and I remember that the first price asked was £16 a lamp. We did not agree to that. The last offer of the company was £4 7s. 6d. a lamp.

150. *Mr. Ewing.*] How much was oil costing you before that? We did not light before that; we were in total darkness. Mr. Stokes has said that this Bill would be in the public interest, because the company could supply light cheaper than anyone else. I think he is in error in saying that. I think the council could supply the light as cheaply as it could be supplied by any company. I think the council have facilities and command of funds which the company have not got. For instance, they have power to borrow, and other facilities for providing the light which the company would not possess. I think they are in quite as good a position to supply it as any private company would be. The council can also employ as good skill in producing the light as any private company, and the great advantage of our supplying it, from the public point of view, would be that the whole of the profits would go to the public instead of to private persons.

151. Do you think that it is right that any private company should interfere with the privileges of a public body like the council of the city of Newcastle? That is a matter of opinion, but I think not. I think the Gas Company particularly ought not to have the powers which they have granted under their Act—that is, in reference to tearing up the streets, and doing various other things, whether the council agree to it or not. They can do many things without even consulting the council. They frequently tear up the roads, and leave them in a state anything but as good as they were in originally. This is particularly the case with our footpaths. We have a lot of tarred footpaths, and they cannot be taken up and put down again in as good a condition as they were before they were touched. We find that the second batch of tarred material never amalgamates properly with the original batch. The council would work in these matters upon their own design, whereas the Gas Company work upon their plan.

152. What will be done with the profit, if any, resulting from the lighting by the council? It will be spent upon the general improvement of the city.

153. And this expenditure could not take place if a private company had the power? They might pay a dividend of 15 per cent., and establish a large sinking fund.

154. The council have the control and management of all the streets and footways in the municipality? Yes; under the Municipalities Act.

155. And they are obliged at present, through not having their own gas-works, to get a supply from the company? Yes; we have always had a hard job. It has always been hard driving to make a bargain with the company.

156. The funds of the municipality are used for that purpose? Yes.

157. If the supply of gas were in the hands of the council, would not the profits now derived by the company be distributed in the interests of the ratepayers? Certainly the individual members of the council would not get any benefit.

158. Would they derive any benefit if electricity were supplied by the council? No; it would serve no private interests whatever.

159. A radius of 10 miles would include all the municipalities around Newcastle? Yes; and they are very numerous. A radius of 10 miles would include eleven municipalities, some of which have already supplied themselves with gas. That is the case with two of them. Lambton has erected poles, and has wire stretched; in fact, it has a regular electric plant. They expect to have the whole work finished within six weeks of the present date. This Bill, if it were passed, would enable the company to step in, and, figuratively speaking, take the legs from under the existing bodies.

160. You know the municipality of Waratah has established gasworks? Yes. I saw it stated in the papers that the municipality of Waratah applied to the Gas Company to supply them with light rather than have their own plant. I think the Gas Company asked £15 a lamp; that is quite recently. I am not quite sure about the price, but I have an impression it was £15. I know it was stated that the Gas Company asked some exorbitant price.

161. Do you consider that the rights of the municipality would be interfered with if this Bill passed, and if

if the Gas Company were allowed to cut up streets, to lay leads, and so on, under this Act? Yes; I consider that the municipal rights would be interfered with. It is an impossibility for anyone to break up a street and leave it in as good order as it was originally. We have adopted in Newcastle a system of tarred streets instead of wooden cubes. We have used, as an experiment, tarred metal, and it seems to be a success. It cannot be patched up satisfactorily, however, as the Gas Company would claim a right to do if this Bill were passed.

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162. Is a Bill now prepared for presentation to Parliament, giving the council power to light the city with electricity? Yes.

163. Has this matter come fully before the aldermen, as representatives of the people of Newcastle? It has.

164. And the proposal has emanated not from one or two individual aldermen, but from the body of the council? It has come from the body of the council, and it was agreed by resolution that we should oppose this Bill—that we should take every step necessary to do so.

165. *Chairman.*] You have gone back twenty-six years in referring to the price asked by the Gas Company;—do you remember what was being charged per lamp in Sydney at that time for the supply of gas? I do not.

166. Do you think that £16 a lamp in those early days was an extravagant sum? It was so extravagant that we did not accept the offer. We did not accept an offer from the company until after it had been many years in existence. It was years before we could have our streets lighted in consequence of the price they demanded.

167. What contract did you commence with? I think the price came down to £12 before we accepted it.

168. Do you think the present price charged reasonable or unreasonable? From what I can ascertain about electricity, I think it can be produced at a lower price.

169. Is the price reasonable, compared with the charges of other companies? I think it is unreasonable, compared with English prices. The fact that the company are able to pay such large dividends is, I think, sufficient proof that their charges are a little more than reasonable.

170. Do you know of any company in this Colony supplying gas at a lower price than £4 17s. 6d., the price at which the company wished to supply you? No, I do not. I do not know of any of their prices.

171. You say that the council resolved to apply for a Bill to confer upon them certain powers of electric lighting? Yes.

172. Was that Bill agreed to with unanimity, or was there a division in the Council upon the subject? I think it was passed by a majority. I could not give you the numbers, but you can obtain them from the Town Clerk. There was considerable discussion and considerable difference of opinion as to lighting at all with electricity. The majority, however, decided to go for a Bill. I think there was a majority of 8 in 12—that is, the vote was 8 to 4, or perhaps 7 to 5.

173. Can you tell me how your resolution to oppose the Bill of the Gas Company was carried? I think it was carried unanimously, but I cannot speak positively on the point. The Town Clerk can give you all the particulars. I am speaking from memory. Not having refreshed my memory, I could not speak positively on the point.

174. You say that if the council received these lighting powers the people would enjoy the profit? Yes.

175. Of course you will admit that there is a possibility of your having a loss? I think not. It has been shown to me that we could get electric lamps for £2 a year instead of paying £4 17s. 6d. a year, the price asked by the Gas Company. There is a large margin for errors between those two sums. I do not think, therefore, there is much likelihood of a loss.

176. However, if there was a loss, the people, of course, would have to put up with it? Yes.

177. You speak of injury to the streets, but both the Company's Act and the Company's Bill provide for the streets being left in as good order as they found them in? Yes; I know that is provided for.

178. Could not the council insist upon this provision being carried out? As far as practicable; but we cannot require the company to do an impossibility, and it is utterly impossible to break up a roadway and to leave it in as good a condition as it was originally. This is especially the case with our tarred metal streets.

179. I understand that; but you would have power to compel the company to leave the street in as good order as the council itself would leave it, should the council break it up? The difference is this: the council would arrange the laying of wire or pipes in accordance with other work. While they were making a street, for instance, they would lay the pipes and wires. Now, the council makes a street, and as soon as it is made and nicely consolidated the Gas Company come in and break it up.

180. *Mr. Wright.*] What you mean is, that there would be a general scheme in one case and two schemes in the other? Exactly.

181. *Mr. Kidd.*] Under the present Act has the council any power to take over the Gas Company's concern? I have never read the Company's Act. I do not know whether we have that power or not.

182. The council, as far as you know, has no power to take over the property? We have power, with their sanction, I know, to purchase the gas-works under the Municipalities Act.

183. As far as you know, are the ratepayers in accord with the council in its opposition to the passing of this Bill? The bulk of the ratepayers are.

184. Outside the shareholders? Outside the shareholders they are almost unanimous on the subject. A meeting was held some time ago in the School of Arts to censure the aldermen for having commenced their scheme of electric lighting. I suppose I may say that nine-tenths of the persons present at that meeting were shareholders. I do not think I am far out in my estimate, although, of course, I may be wrong.

185. The majority of ratepayers outside, not being shareholders and not being influenced by shareholders, are opposed to the passing of this Bill? Outside of the shareholders, I believe more than nine-tenths of the people would be against the passing of this Bill.

186. In other words, they are of opinion that they could do better for themselves than any company could do for them? Exactly. They have, of course, the choice of their own aldermen. If they do not choose the best men they ought to. If they choose the best men and they engage in an undertaking of this description, it is only reasonable to suppose that they will get better results than would be obtained by those entering into the matter merely as a pecuniary speculation.

187. Do you know if any members of the council are shareholders in the Gas Company now? I am not aware of any. If any of them have shares they keep it quiet. I know of none.

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188. And you think that if the Borough Council of Newcastle obtained control of the lighting of Newcastle with electricity they would be able to carry out the work with more advantage to the ratepayers, and would, at the same time, be able to create a sinking fund? Yes, which could be applied to streets and other works.

189. Do you know of any municipality or borough council with a sinking fund? We have one.

190. What sort of one? A sinking fund to pay off an overdraft—to pay off borrowed money.

191. What amount is it? The Town Clerk will tell you. Here is the point: We are assured by practical men, by electricians, that we can get these lights at £2 a lamp. If that is really the case there will be a saving of £2 17s. 6d. on each lamp.

192. Are the experts who give you this advice interested in providing the machinery, or in providing the light itself? No.

193. It is parties outside who are giving you this advice? Knowing very little of electricity ourselves, the supply of the light being an entirely new matter, we took the precaution to employ a practical man who was not interested. We paid him for his advice, and he advises us that we can get the light for £2 a lamp per annum. The man who gives the advice is not connected with the parties contracting.

194. You have perfect confidence in the infallibility of all experts? I have confidence in a man speaking the truth when he ought to have no interest in telling lies. I cannot see that this man should have any interest in telling us anything but the truth.

195. You pay him to tell the truth? Yes; and to give us all the information which it is possible for an expert to give those who are inexperienced. We paid him to examine the specifications, and to come again and examine the tenders. All these things have been examined by him. The particular tender which has been accepted has been certified as being most advantageous to us, as well as the cheapest. The expert estimated that we should be supplied with light at £2 a lamp per annum.

196. Is it not possible that the Gas Company, studying the interest of the ratepayers, and as anxious to supply this new light as the council themselves, would be able to efficiently manage the supply;—do you not think they would be as likely to supply the light as cheaply as it could be supplied by the council? Well, they never offered to reduce the price of gas.

197. Is not £4 17s. 6d. a reasonable price? Not if we can get a better light for £2.

198. But seeing that they started at £12, and have had a monopoly, is it not an evidence of their reasonableness when you find the price now reduced to £4 17s. 6d.? I may say that many years ago, when the late Mr. Alderman Chapman was Mayor, it was in contemplation to establish gas-works, some time before electricity came into vogue, because the Gas Company, in the opinion of the council, was charging more than they had a right to charge.

199. Is it not an evidence that the company have been anxious to concede as much as possible to the Borough Council of Newcastle, when you find the price reduced from £12 to £4 17s. 6d.? The only answer to that is, that all reductions which have been made have been absolutely squeezed out of the company.

200. *Mr. Burns.*] You spoke of the company interfering with some of the privileges of the Municipal Council of Newcastle? The privilege I referred to was the privilege of making streets. It is the privilege of the council to make and maintain streets.

201. Is not the right of making gas as much the right of a private company as of a corporation? If they get a Bill passed.

202. The contest between you and this body is, as to who shall furnish the supply? We were first in the field. Although we were not first in Parliament, we were first to make known to the public that we intended to proceed with the Bill.

203. The company propose to supply electricity as well as gas if the people of Newcastle will take it? Yes.

204. You have told us that the price of gas, through a squeezing process, has been going down for some years past? Yes; it has declined from £16 to £4 17s. 6d. A contract has not yet been accepted for £4 17s. 6d.

205. Is it the special privilege of your council to supply private persons with gas? If we get that privilege. We have power under the Act to light the city with gas.

206. Do you think you could supply private persons with gas as well and as economically as a private company could supply them? Yes, as economically, if not more so.

207. Do you think your council more competent to manage the supply than a private body? Yes. In the first place we should always sit for nothing, whereas directors get paid for each sitting.

208. Is not a service which is honorary sometimes the worst service the public can have? I do not know about that.

209. When did you enter into your contract for the plant? I suppose it would be about the first of this month—within a month or six weeks.

210. Is it an absolute contract? Yes.

211. Is it not conditional upon this Bill being passed through Parliament? The plant is shipped from the Continent—from some place where they make the best plant.

212. Then you entered into your contract before you had power to supply private persons with light? We had power to light the streets under the Municipalities Act. What we intend to do is to ask Parliament for power to sell.

213. You think the dividends of the Gas Company are too great? We think that such great profits are proof that the thing can be done more cheaply.

214. Do you know whether private persons draw dividends from mines at Newcastle in excess of 15 per cent.? Yes.

215. In that case, why should not the corporation propose to work the coal land for the benefit of the people instead of its being worked by companies? In Newcastle there are no mines to work, but we could supply electric light.

216. *Mr. Wright.*] You say you are anxious to obtain power to light the borough with electricity because you believe you can supply the electric light cheaper than it can be supplied by the company? Yes.

217. Why do you fear competition; you have the privilege of lighting your own streets;—why do you fear competition from a private company if you can do the work so much better than they can? Sometimes a rich company may even work at a big loss for a time. The Gas Company might say, "We will do it at a loss of 50 per cent. for the next five years in order to crush down these new works."

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218. You lose sight of the fact that the Municipal Council have entire control of the lighting of the streets; you can thus deprive the competing company of the major part of their business? Yes; we could do that.
219. That being the case, what fear need you have of competition? Still we would rather have no competition. If there is any profit to be made, we think the people should have the advantage of it.
220. But you have no desire, as a municipal body, to make a profit? Not individually; but if cheap lighting is to be obtained we should like to obtain it without squeezing.
221. Was this subject made a platform at the last municipal election? No; I do not think it was.
222. But if the interests of the citizens were so seriously menaced, surely the matter would have been one of the prominent platforms in February last? I was elected some time ago myself, and I was in favour of electric lighting then.
223. Was not a great deal of interest taken in the question by the ratepayers? I do not think it has come up as a question *ante* and *pro*.
224. Then you do not know what is the actual feeling of the ratepayers even now? Yes; we know their feeling from petitions, and from our mixing with them generally.
225. That is your impression? We have no real proof, of course. I have only my own feeling to guide me, and I think that nine-tenths of the people would be in favour of the council lighting with electricity. I think it would be for their good, and that it would be to their very great advantage to have the electric light supplied by the council instead of it being supplied by a private company for private profit.
226. *Mr. Curley.*] In the district of Newcastle have not other private companies shown a total want of consideration for streets and for private properties? I know that other companies have evinced a disregard for private properties when engaged in coal-mining. There are places in the vicinity of Newcastle which have been undermined by companies with the result that the surface of the land has been interfered with, and houses have been endangered.
227. Does this consideration influence you in any way in your objection to giving extended powers to such a company as the Newcastle Gas Company? It would have an influence on me in this way: That companies go in for private speculation. They engage in undertakings for the purpose of making money out of the public. The council propose to embark in this undertaking in order to save money.
228. *Mr. Brown.*] You say that the council would not necessarily cut up the streets as much as a private company would cut them up, because they would work the two things in together? Yes.
229. From that I understand that if you successfully oppose this Bill, and were successful in getting your own Bill through, you would wait until it was necessary to make some repairs or alterations to a street before you laid down the light there? It might be so. We should endeavour to make the two things dove-tail as much as possible. I am sure the council would make a much better job of the streets than the gas company have done.
230. But would this not necessitate a great deal of delay often before the light could be taken into a particular part of the city? I do not think I said that we should wait in all cases until we were repairing or altering the road before we put down the light. In some cases persons might have to wait a month or two if a certain street stood badly in need of repair.
231. Your answers to these questions have reference to the possibility of the conductors being taken underground? Yes.
232. Now, in your contract, have you provided for the light being taken underground, or for the wires being carried along by means of poles? By poles.
233. Do you think the council will have an immense superiority over the company in digging big holes and putting posts into them;—is it after all a matter of any importance? The gas company ask for power to dig up the streets. I do not know that the mere digging of holes would make any material difference. They of course have skilled men, whose business it is to dig holes, as well as other persons have.
234. How do you arrive at the fact that nine-tenths of the ratepayers of Newcastle are in favour of the council lighting the town by electricity? From my general conversation—from mixing with the public generally.
235. Would you not be surprised to hear that the general opinion of the public is strongly against the council having anything to do with the matter? I should be very much surprised to hear it.
236. Can you account for the fact that a bare majority of the council is in favour of the undertaking, when you say that nine-tenths of the people are in favour of it? I really cannot account for some of the aldermen opposing it.
237. But still if, as you say, the council represents the citizens, and only a bare majority of the council are in favour of the council going into this undertaking, does it not tell against your idea that nine-tenths of the citizens are in favour of the proposal? I have no desire to make a speech, but I think it is really necessary in this case I should make an explanation. The people, I take it, are not in favour of the council running any great risk in an experiment. In the contract into which we have entered we run no risk. The contractors provide the plant and run it for twelve months before we pay them for it, in order to prove that it is really what they represent.
238. But that does not do more than prove that the plant provided will produce the necessary quantity of light? It proves that we run no risk of loss.
239. Does this arrangement you have made prove anything more than that the party supplying the plant will run the risk of its being capable of supplying the required amount of light; he may run it at a loss, and yet you say that you are incurring no risk? Nor are we; and the very fact of our incurring no risk makes the people in favour of it.
240. But how do you prove that you incur no risk? The very words I use themselves imply that we incur no risk.
241. I think not? The arrangement is this: The parties work the plant for twelve months; if it is not then found that it is all that they represent—if it is not satisfactory to ourselves and to our skilled engineer—they will work it again and again for five years; in fact we shall not have to pay them for the plant at all unless it is to our satisfaction.
242. But suppose the plant were ever so efficient, does that prove that it may not be worked at a loss? The only guarantee in that respect is that our expert has assured us that the light will be supplied at the rate of £2 a lamp, and that is less than half of what we are paying for gas.
243. That is for street lighting? Yes.

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244. And does not take into consideration private lighting? No.
245. How many lamps have you? I do not know—it is very difficult to carry figures in your head.
246. The £11,000 to which you referred does not include the cost of land and buildings? No.
247. What would they cost? I think £1,000 is asked for the land.
248. How much would the building cost? That would be a mere shell, it would be only an iron shed.
249. Does your cost include the steam-engine, and all the rest of it? Yes.
250. Let us put it down then at £12,000;—what would you borrow that sum at? At 4½ per cent. probably.
251. That would be at the rate of about £520 a year. How many lamps are there? I could not say.
252. What light is it to be—the arc light, or the incandescent light? I think it is the incandescent light, but I could not swear that positively.
253. You say that the gas company when they first started wanted £16 a lamp per annum? Yes.
254. Newcastle was a small place at that time? Yes.
255. And not many people were taking gas? Well I could not tell you about that. There were no street lights.
256. Then as the town increased in size the gas rate diminished—not only for street lamps but for the private supply? Yes.
257. And the price has continued to diminish? Yes.
258. Showing that the larger the extent supplied with gas, the cheaper the rate of supply? Yes; but I have explained before that we have always had a hard tussle with the gas company.
259. Do you not think that the gas company, supplying a large district having a radius of 10 miles, will be able to supply gas cheaper than the council could supply it confined within its own boundaries? I do not think they could.
260. You do not think a number of business men conducting business for the sake of profit and of enlarging their custom would do as well as a body of aldermen who have no personal interest in the result? I do not think they would do better; aldermen are, as a rule, elected from business people.
261. Could not the company have agents abroad ready to get them all they require, could not they work their business more cheaply than the corporation would work theirs? I do not know what they would require—coal we can get without an agent.
262. But wires are continually wanted, are they not? They could be got as cheaply by the council as by any company.
263. Then as regards the incandescent lamps and other appliances? They could be obtained just as cheaply by the council as large consumers as by any company, on application to the manufacturers.
264. The council taking the chance of the supply being good, bad, or indifferent? Exactly, as the gas company would.
265. You propose that the council should keep a stock of wires, lamps, and other appliances? As they do deodorants for nightsoil.
266. Is it the intention of the council to keep a supply of wires, lamps, and other electrical material? To do anything which may be found by experience to be necessary.
267. I ask you again, is it the intention of the council to keep a supply of wires, lamps, and other electrical material? Yes, if found necessary.
268. And to sell them to people who require them? That I do not know.
269. Then what would be the object of keeping them? For our own use.
270. But if you are going to supply light to private individuals, they will require to have their lamps renewed from time to time? The gas company do not supply gas fittings.
271. But you ask for a monopoly;—is it your intention to keep a supply of lamps and other apparatus to sell to your customers? No; not at all. If you put the question that way at first, I could have answered it at once.
272. Then how do you suppose your customers will carry on if a lamp gets broken or if anything of that kind happens? We have men in Newcastle who earn a living by gasfitting, and who import and keep for sale gas-fitting material, chandeliers, and so forth; I suppose electric lamps would be supplied as the demand arose.
273. Do you not think that a monopoly is injurious to the public interest? Yes I do; but I do not think that this is a kind of monopoly which would be injurious.
274. But would not the public be entirely at the mercy of the aldermen as to what rate they would have? They would be entirely at the mercy of aldermen of their annual choice.
275. You are aware I suppose that there is some danger attendant upon the use of the electric light? I have read some letters in the paper in which that has been stated.
276. You know that this Bill provides for some supervision to prevent the company from carrying on its operations in such a manner as to endanger the public? And quite right too.
277. But supposing the council had power to supply light to private individuals, how would they be overlooked? In the same way as suggested by the skilled witness who was examined this morning.
278. But a good deal of this supervision has to be done by the council? Then I suppose they would overlook the work themselves.
279. You do not think that the council not having to risk money out of their own pockets would be more likely to act carelessly than the members of a company who would feel the loss personally? I believe that the aldermen generally act as though they were acting for themselves, although very often they may be wrong, and although they sometimes do wrong.
280. Do you not know that the Newcastle aldermen have over and over again got into litigation under circumstances in which they would not have been so situated if dealing with their own private matters? That is because they were wrongly advised.
281. You say you have entered into a contract for the purchase of plant? I said we had accepted a tender. The contract really is not signed.
282. Then the apparatus you are getting is for the sale of light as well as for street lighting? If we get the necessary power from Parliament.
283. But is it specified in the contract that it is to be subject to your getting the necessary power? It is to be large enough to afford the necessary supply in the event of our getting the power.
284. Are those words mentioned in the contract? Their meaning is there, but I will not be bound down to the exact words.
285. Is it so expressed? That is the meaning of it.
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286. It is expressed that you are not to be bound down by it unless you get power to supply private lighting? That is not what I say. I have not said anything of the sort.

287. Then what do you say? I say that the plant contracted for is to be of a sufficient size to enable us to supply people with private lights if we get the necessary power from Parliament; that is what we have contracted for.

288. Then substantially you say you have accepted a tender for a plant of a certain power? In anticipation of certain powers being granted to us. Even if these powers are not granted to us the material will still be utilized.

289. But assuming that you do not get those powers you have accepted a tender for a larger quantity of apparatus than you require for street lighting? That is so.

290. You think the whole of the lighting, public and private, should be in the hands of the council? I do. I think it would be an advantage to the public.

291. You know that notwithstanding the supply of gas or of electricity, as the case may be, a considerable quantity of kerosene and a large number of candles are used? It is more convenient under certain circumstances.

292. Do you propose that the council should keep a supply of those? No; they can be easily bought. There is a certain amount of competition in the supply of kerosene and candles, which prevent the overcharging to which the council have been subject, and to which we might be subject again.

293. You wish to put a stop to all competition? No, not at all.

294. Suppose some other means of illumination besides electricity were to be started the money expended by the council would be lost, unless you obtained a monopoly, and prevented persons from supplying it? It would be a loss if the sun changed its mind and shone night and day.

295. Supposing electricity could be provided in a cheaper form than that in which the council are able to supply it;—are the ratepayers to continue paying the higher rate because no one else is allowed to supply? The answer to that is that if any improvements in the supply of electricity should be devised or invented, the council would have the same opportunity to embrace the new invention as any gas company would have, and would be quite as likely to take advantage of it.

296. Would not the money expended on the plant in their possession have been thrown away in that case? Just the same as it would be in any other invention. We should stand in the same position as the gas company, and we should have to take the risk.

297. Do you think it is right to risk the money of the public in a speculation? Yes; when the risk is so little, and the probability of success is so large.

298. The council is pretty heavily in debt? I cannot tell you the amount. They owe money, but they have given satisfactory securities. They have not exceeded their borrowing powers, nor have they yet come up to the limit. They cannot therefore be said to be very much in debt.

299. Have not the council applied for permission to borrow, and has not permission been refused? I am under the impression that power has been granted, and that we are at present negotiating in the London market to borrow £75,000. The amount is not yet borrowed.

300. You propose in addition to that to borrow a sum for the construction of these works? No; the sum we are now negotiating for will go towards the works. It will pay for them, and would wood-block Hunter-street. That is what it is intended for. It is intended for those two things and for other works enumerated at the time the motion was carried.

301. Is the fact that you intend to spend some of this money for electric lighting stated in the application to borrow? I could not say that.

302. Are you aware that when you are applying to borrow you must state the purpose to which the money is to be applied? Yes, in a general way. I do not know that electricity was mentioned. I know that wood-blocking and the cutting down of King-street was mentioned. I could not be sure whether electricity was mentioned or not.

303. You know that another company has applied for various lighting powers in various parts of the colony—in Sydney, Newcastle, and elsewhere? I was not aware of that.

304. Has any public meeting been held in reference to the lighting by electricity? Yes. One public meeting was held at the School of Arts, at which one of the speakers said plainly that many of the aldermen were getting cheques, and that I was to have my hall lit up for nothing. I can give that statement a flat denial, and say that it is utterly false.

305. That is not what I referred to; have there been any public meetings favourable to the council of Newcastle lighting the city with electricity? No one has ever asked for such a thing. It would appear that the public are satisfied with the action the aldermen are taking or they would have called a public meeting.

Mr. John Beveridge called in, sworn, and examined:—

306. *Mr. Baker.*] You are Mayor of the Borough of Stockton? Yes.

307. Has your council sent in a petition opposing the passing of a Bill by the Newcastle Gas Company, enabling them to light Newcastle and its suburbs with electricity? Yes, we have not only sent in a petition against the Newcastle Company's Bill, but also one sought to be obtained by a syndicate for the purpose of lighting Stockton.

308. What reasons have your council for opposing the Gas Company's Bill? Well the people have requested the council to take steps to light up the borough, and they think they have a prior claim to any syndicate so far as lighting powers are concerned.

309. And you think you have a prior claim to any company? Yes.

310. Have your ratepayers given expression to any feeling against the gas company passing this Bill? We have had two public meetings very numerous attended, and we have sent in two petitions—one against Cowlshaw's Bill, and one against the Newcastle Company's Bill. Something like 400 signatures were attached. The people, I believe, are unanimously opposed to any syndicate or company having the power to light Stockton.

311. How many ratepayers are there in your municipality? I could not say. The revenue from the rates is something like £1,200.

312. Roughly speaking I believe there are 500 or 600 ratepayers? Yes.

313. Have the council themselves passed any resolution opposing the Bill? Yes.

314.

Mr. C. Christie.
29 May, 1890.

Mr. J. Beveridge.
29 May, 1890.

Mr.
J. Beveridge.
29 May, 1890.

314. Were they unanimous? Yes; the corporate seal was attached to the petitions which were sent in.
315. The resolution you carried was to the effect that the municipality itself should light all places within the borough? That was the prayer of the petitions.
316. Have you any other objections to urge against the Bill? We consider that any private company does a certain amount of damage when it has power to cut up the streets. There is always a great deal of dissatisfaction about the way in which the work is done. If the council themselves have lighting powers, and injure the streets themselves, they must put up with the consequences—they have no one to blame but themselves.
317. Would it be beneficial to the ratepayers if the council had the whole matter in their own hands, and if no company were allowed to interfere with them? I look at it in this way: It would be a considerable benefit to the people, because they would get gas or the electric light at the cost of manufacturing it.
318. It would not be a speculation on the part of the council? No; no person would have any profit out of it.
319. Do your council object to interference by a private company in respect to the rights which you possess as regards streets and roads? I think the fact of our petitioning as we have done shows that we object to the powers asked for being granted.
320. *Chairman.*] Are you aware that this Bill does not confer any monopoly upon the gas company? I do not think the Government would give a monopoly to any company.
321. Do you know that the Bill does not ask for a monopoly? I believe it does not.
322. Does your council object to the Bill on any ground of monopoly, or is it simply that they do not wish that any company should have the power to light the borough? It is simply this: the council want the right to supply private persons with light, and the public want them to have that right.
323. This Bill would not prevent the council producing the light? If the syndicate had the power it would come into competition with us.
324. Your council wants no competition; it wants everything in its own hands? That is what they want. They do not want to make any profit. They ask for the power simply for the benefit of the public.
325. Do you think it is a legitimate function of a municipal council to prevent competition in the matter of lighting private houses? The two things clash, of course. I do not say that the council should have the sole power in any matter of that kind; but I understand that the Government contemplate giving the municipal council power to buy out any established syndicates and to take up the supply of light themselves. We believe, apart from that, that the people should have the right to supply their own light, without any interference by any syndicate.
326. Where do you find that the Government propose to assist the municipal councils in supplying private lighting? I was referring to the new Local Government Bill.
327. Is there any provision in that Bill which would enable the council to supply light to private houses? I think so, but I would not be quite sure. I know it gives the council power to buy out any company which may be in existence. That being the case, I think they should have the power to light private dwellings as well as the streets. The great advantage seems to me to be this: that the people would get the light at the cost of its manufacture. Why should not private dwellings be lighted by the municipal council as well as streets?
328. Do you think it is desirable that the municipal council should try to block private enterprise in the matter of lighting private dwellings? I think the council should have the power to supply their own light.
329. But is it desirable that a municipal council should try to prevent private enterprise from providing lights in private dwellings? I do.
330. Do you really think that a municipal council, with its constituents constantly changing through aldermanic elections, can manage such a commercial concern as the supply of electric light as economically as it could be managed by a private company? Of course the municipality would appoint officers to manage the concern, in just the same way that officers are appointed by private syndicates; and that being so, I see no reason why the council should not be able to supply the light as cheaply as it would be supplied by any private company.
331. Have there not been many cases in the history of municipal management where changes among the aldermen have led to complete changes in policy as to public works? I am not aware of any instance.
332. *Mr. Ewing.*] Your council proposes to afford to the public the accommodation which this company proposes to afford to them? The council is prepared to supply the people with light.
333. You mean to give practically the same accommodation that this company would give? I think so. We have made out no definite scheme. We are only a young municipality.
334. Therefore you cannot say with certainty whether you are prepared to do what I suggest? Oh, yes.
335. You believe you are prepared to do so? Yes.
336. Suppose this company proposed to give the public certain accommodation and you also proposed to do so, the result would be competition, and gas or electric light, as the case might be, would be cheaper than ever? Yes.
337. Is not that the outcome of competition? Yes; I suppose so.
338. *Mr. Curley.*] In the event of any change taking place in the system of lighting, could you not incorporate that change with the system upon which you were working as well as it could be incorporated by any private company? Yes. I do not see what would prevent the council from doing so. The council, under any circumstances, would be bound to do the best they could in the interests of the ratepayers; they would adopt whatever light might seem to them best in the public interest.
339. Would it not always be the aim and object of the council to make simply a charge to cover the cost of working expenses, interest on capital invested in plant, and so forth? That is exactly what they would do. The first thing taken into consideration would be the amount of capital required, and then I suppose a sinking fund would be established to repay the money with interest.
340. *Mr. Brown.*] I presume you would charge a lighting rate if you undertook lighting arrangements? Yes. There is a lighting rate already in some municipalities where they supply gas.
341. Then everybody will have to contribute to the lighting rate, whether they use the private light from the council or not? Of course they would all have to pay for the street lights.

342. But we will assume that some ratepayer burns a great number of lights in his dwelling; he gets the advantage of that light at cost price;—would not that be making the man who takes no light at all assist in paying for the lighting of the other man's dwelling? Well, as far as I can learn, a lighting rate is the system generally adopted;—whether it is the best one or not I do not know.
343. But if the lighting rate for the streets is increased in order to supply private light cheaply, it seems to me that some persons must be unjustly taxed for a benefit in which they do not participate? I understood that you were referring only to the street lighting.
344. I am referring to both street and private lighting? Well, I take it that any person who consumes gas in a private dwelling will have to pay so much per thousand at whatever rate the council may agree to supply it.
345. Suppose that the people who bought light, instead of buying it simply at the cost price were to pay a fair and reasonable price, as under ordinary circumstances they would, would not that make the lighting rate for street purposes less? It does not make it less in Newcastle, does it?
346. Say there is a lighting rate of 3d. in the £; that the company could supply lights at 3s. a lamp and that the council could supply it as 2s. a lamp or 1s. less;—would not everybody who paid a lighting rate pay something to make up the difference between the 2s. and 3s.? To answer the question as broadly as possible, I would say that the ratepayers get the advantage of having the gas supplied to them at the cost of manufacture, with the interest on the money of course added. There is no 15 per cent. or reserve fund put aside.
347. I suppose you do not propose to supply kerosene and candles? No.
348. Why should you not supply kerosene and candles as well as gas? The Newcastle Company have not found it necessary to do so, and I do not see why we should.

Mr.
J. Beveridge.
29 May, 1890.

Mr. Alfred Harnett Clapin called in, sworn, and examined:—

349. *Mr. Baker.*] You are Mayor of Waratah? Yes.
350. Has your council petitioned against the passing of this Bill? Yes.
351. Have you read the Bill? Yes.
352. Will you state what objections your council have to the Bill? The general objection, in the first place, is this: That the council think that it is as much the function of the municipal authorities to light the streets as it is to make streets, to drain them, and to do other general municipal work. In the next place, they hold that it is not to the advantage of the inhabitants of the place that the Bill should pass—that it is not desirable that there should be given to a powerful company power which might be used to the detriment of the municipal bodies of the district.
353. Have you gas-works at Waratah now? Yes; and we have had some experience of the action taken by the Newcastle Gas Company under the powers conferred upon them by the Act of 1866.
354. Did you receive from the secretary of the Newcastle Gas Company some time ago a letter in reference to this Bill? We received a letter from the company, covering copies of the Bill, and asking consideration of the same. We were asked to state our objections, if any, to the Bill. The letter was received, and it was agreed that the objections should be stated when the Bill came before the House; that it was not the business of the council to make a Bill for the company, but to state their objections when the Bill was brought before Parliament with the object of making it law.
355. Did the council make any overtures to the company about the supply of gas? Overtures were made to the company to light the Borough of Waratah with gas in 1885. The municipal council of the day obtained replies from the company for lighting a certain number of lamps, and the offer was considered at the time exorbitant.
356. What was it? £13 10s. for street lamps, and they wanted a guarantee of ten years.
357. At that time had not the company a monopoly of the district? At that time they had, if not a legal monopoly, a practical monopoly, which was just as serious a thing. The council wished to have the place lit with gas, and as they were not successful in their overtures to the company they had to look about for some other means of carrying out their object.
358. They have now erected gas-works? They made overtures to another gas company, but they did not come to anything. The only course open was to erect gas-works for themselves, under the Municipalities Gas Act of 1883. They called in experts to advise them, and collected all the information they could get. It was decided at a public meeting that it was desirable to light the municipality with gas, and it was left in the hands of the council to provide what means they considered best for lighting. After obtaining information of every description the council decided to erect municipal gas-works. The next step was to obtain from Parliament authority to borrow the necessary money. That was granted. The council borrowed the money and proceeded to erect the gas-works.
359. Can you state any other objections which the council have to this Bill? The council object to the company having what practically amounts to a monopoly. In the first place, they object to hand over to any other body any control whatever of streets for which they are responsible. They maintain this objection on general grounds, and on the strength of their recent experiences of the gas company.
360. Did the gas company take its pipes out to Waratah before or after you erected your works? They had their pipes taken to Waratah after we had entered into negotiations from which there was little chance of our backing out—that was, after we had arranged to borrow money and had absolutely entered into a contract.
361. Have you read the fourth clause of this Bill, with regard to the power of the company to break up streets and roads? Yes.
362. They propose to exercise this power without the consent of the council? Under this Bill they will have power to open up the streets, and to do pretty well as they like, by merely giving notice—as a matter of fact, without the council knowing what they are doing. It seems to me that they can do exactly as they please with streets for which the council is responsible. There is now about a mile of gas-pipes lying in the Waratah streets of the position of which the council have no official knowledge. While we have no official knowledge of their position we are responsible for any damage which may be done to those pipes in road-making or other work. You see we are not even acquainted with the position of their pipes.

Mr.
A. H. Clapin.
29 May, 1890.

Mr.
A. H. Clapin.
29 May, 1890.

363. Was there any competition between the gas company and your council as to the supply of gas? There is competition at the present time. After arrangements had been made, and after a contract had actually be entered into, the company sought about for consumers, representing to them that it would be some years before the council would be in a position to supply them with gas.

364. Do you know that of your own knowledge? I have it from those to whom it was represented—which is, of course, hearsay. A very limited number, not more than half a dozen persons, were induced to take the company's gas. There was an agreement, I believe, to take it for a certain number of years. The company, in order to get these few consumers, have gone to an expense of £908, according to their own balance sheet. The result of this opposition in the municipality after we had begun operations was to upset the whole of the estimates of the council as to the gas-works. The opposition reduced the proposed price to consumers of the gas, and increased the rate levied for lighting purposes, the result being that those who were consuming gas were being supplied at a price at which no Australian gas-light company has commenced operations. Many persons being ratepayers and not residents, and getting little or no advantage from the gas, are made to pay the maximum amount for lighting. In that way the gas company's action has pressed heavily upon the ratepayers. A few of the consumers get an advantage, but the great body of the ratepayers are at the disadvantage of having to provide a heavy lighting rate.

365. You think it is to the advantage of the ratepayers to have gas supplied by the council instead of by any company? Well, we could not give the gas except by erecting gas-works, and then the advantage which municipal gas-works possess as against the works of a company is this: that the municipal works supply the gas at cost price; that cannot be done by a private company.

366. But could the company supply the gas at as cheap a rate as the council? It is not a matter of can, it is a matter of will. The company can supply gas at less than cost price for a certain time, until their creditors stop them.

367. The council were unanimous in petitioning against this Bill? They were.

368. Can you form any idea of the feeling of the ratepayers on the subject? The feeling of the people as regards the Newcastle company is very bitter. It is considered that the company have acted towards us in a very arbitrary manner. They would not come when they were wanted, and when they did come they forced themselves under powers which they were supposed to have under the Act of 1866. I might state that when the Bill of 1866 was passed no parties outside the city of Newcastle had an opportunity to object, inasmuch as none of the places were incorporated. Waratah, for instance, was not incorporated.

369. Do your council now object to interference by any company with the roads, footpaths, and so on? They do.

370. And you are quite prepared to supply the necessary light to all your ratepayers? We are.

371. *Chairman.*] Are you aware that there is a clause in the Bill compelling the company to reinstate any ground they break up in the municipality? I know that clause 6 provides for that.

372. Are you aware that clause 4 requires the company to give not less than twenty-four hours notice before proceeding to break up any street? I am aware that they are required to give notice of so doing.

373. Did your council reply in any form whatever to the letter of the company, asking for a consideration of their Bill? I do not know that we did.

374. There was no acknowledgment whatever? I do not think so.

375. When the price of £13 10s. per lamp was put in by the company, was there any limitation as to the number of lamps? It was specified by the council.

376. Was it a limited number? I am not sure, but I believe it was fifty.

377. You say that the company then had a practical monopoly of the gas-lighting in your borough;—had they any pipes laid into your borough at that time? None.

378. Then how could they have a monopoly? Well, having their works and their pipes laid to our boundary, they were in a position to supply gas cheaper than any other company starting.

379. There was some other company in the neighbourhood? About 6 miles from us.

380. Do you think that you have sufficient ground for saying that the company had practically a monopoly? I do.

381. You speak of handing over the control of the streets to the company;—does the company ask for the control of the streets in this Bill? They have power to break up the streets, and we cannot prevent them.

382. But you have control of the streets for all ordinary purposes? I do not consider that we have control if we cannot prevent the company from breaking them up.

383. You cannot prevent them from exercising their power under an Act of Parliament; but the council has the controlling power of the streets? But they forfeit that control to the extent I have named.

384. You said that only a few private customers had been gained by the company in the Borough of Waratah? I think about six.

385. Then how do you account for such a limited custom seriously interfering with the council in supplying the borough? It is not the actual loss of these few consumers; but the company being there, we have to bring down our price for gas very nearly to the price at which the company are supplying, otherwise our customers would go to the gas company.

386. But is it not one of your arguments for a municipal monopoly of the supply, that the council can supply cheaper than any company? Certainly they can, other circumstances being equal.

387. Then how could the gaining of six customers upset the whole of your estimate? It is not the fact of their having six customers. If they had no customers at all the fact would remain that they, having spent a large sum in laying mains through the streets, an opposition is created to our works, compelling us to reduce our price at our initial stage.

388. Then you have to sell cheaper than you would otherwise sell? Cheaper than the price upon which our estimate was based.

389. Or the company would undersell you? As a matter of fact the company are now selling at a lower price, but we are not losing a single consumer. We are gaining, in fact, whereas the company is standing still, showing that the public are prepared to make a sacrifice in order to support the council's industry.

390. Why should the borough be afraid of competition; the street lighting is in its own power;—why should it be afraid of competition in regard to other lighting? Because the company, having been long established, are prepared to make a sacrifice which we are not yet prepared to make. Our works were only opened in last August.

391. *Mr. Burns.*] No company can continue business long at a loss? With their business at Waratah they could continue a long time.
392. Would the consumers lose by it? A few consumers would not.
393. Would the Corporation lose by it? Well, we have erected works.
394. *Mr. Ewing.*] What is your lighting rate? Sixpence in the £.
395. What is the Newcastle lighting rate? Threepence in the £.
396. Are you losing money by your gas-works? No.
397. They will pay with a 6d. lighting rate? They are estimated to pay during this half-year.
398. *Mr. Curley.*] Is the rate you are paying now anything like the rate you were requested to pay by the company when they offered to enter into an agreement with you? It is less than the company asked; but we have the advantage of placing the lamps where we think proper, whereas we could not compel the company to put lamps in our outlying portions. We supply light to a larger area than the company would have done.
399. In the event of your co-operating with any two or three adjoining municipalities, would the rate you now charge be materially reduced? It would increase the consumption and diminish the cost per 1,000.
400. And you anticipate that as the consumption increases you will be able to reduce the lighting rate? Certainly.
401. *Mr. Ewing.*] What are you charging now? Six shillings a thousand.
402. What are they charging in Newcastle? Five shillings and sixpence at the present time, I believe.
403. *Chairman.*] What does your lighting cost per lamp? It is between £10 and £12 at the present rate, with our present number of lamps.
404. *Mr. Brown.*] Did not your published statement say that the cost per lamp was £18? I do not think we published any statement of the cost per lamp.
405. Not in the annual revenue returns? When those returns were published, we had not our books open; we had money charged to working expenses which should have been charged to capital account and extension.
406. How does the amount of rate you receive affect the cost of the lamps? It does not affect the cost of the lamps. I am giving you what the public pay for the street lighting, dividing it among the lamps.
407. What is the estimate for the street lamps? I do not think we have an estimate per street lamp.
408. Did not your estimate come to £3 or £4 per annum per lamp? I do not think so. It was not necessary to reduce the estimate so low as that, seeing that the adjoining municipalities at that time were paying £8.
409. Are you not now lighting a larger number of lamps than you proposed the gas company should supply? A few more; it is the result of an accident.
410. How many are you lighting now? Between fifty and sixty.
411. Was not thirty or thirty-one the number for which you were in treaty with the gas company? I cannot speak positively from memory, and that makes the number about fifty.
412. You said that no objection to the Newcastle Gas Company's Act could come from Waratah, because the place was not incorporated; but was there anything to prevent public meetings from taking place, and petitions being sent in? It was not impossible, but before incorporation public meetings were very improbable. You had to deal with a population scattered over 4,000 acres.
413. *Mr. Baker.*] Would it be fair to allow a private company to compete with the council's gas-works and gas rates when you are endeavouring to use all the economy you can, and to expend the profits, if any, upon streets, footpaths, and so on? It would not be in the interests of the ratepayers.
414. *Mr. Burns.*] Then you think that the municipal council at this place should have a monopoly? I think, seeing that the aldermen are elected by the people, who have to suffer or benefit, as the case may be, they are the persons who should have control of the matter.
415. *Mr. Brown.*] Do you think it right that the council should prevent the residents of Waratah from using electricity unless they choose to supply it themselves? If the ratepayers wish it, certainly not; but a wish is expressed that no private company should interfere with the lighting—that wish has been most emphatically expressed.

Mr.
A. H. Clapin.
29 May, 1890.

Mr. William Thomas Dent called in, sworn, and examined:—

416. *Mr. Baker.*] You are Mayor of Lambton? Yes.
417. Your council has sent in a petition opposing the Bill now under consideration? They have.
418. What are the grounds of the council's objection to it? Briefly, the grounds are these: that we have lately made provision for supplying ourselves, by entering into a contract for electric lighting. Naturally, we do not want the opposition of any one. The place is only a small one, and we have, we think, supplied all its requirements. We think there is not room for anyone else to come in, and we want to keep them out if our opposition will do it.
419. If they came in and competed you would lose the benefit of what has been already done? I think our venture would be a failure if we had any opposition from any one.
420. And the expenditure would be rendered useless? We should sustain a total loss, I think.
421. The company, under the fourth clause of this Bill, will have power to break up roads and streets? Yes; I am aware of that.
422. Do the council object to the company breaking up their streets? We object to their breaking up the streets, but we object more particularly on account of the wires, because it would be almost impossible to run two sets of wires in the streets we have without their coming into contact.
423. But there would be nothing to prevent the company breaking up the roads? Of course we object to the Bill on that ground also.
424. What is the general feeling of the ratepayers in your municipality? They strongly object to power being given to the Newcastle Gas Company, or to any other company, to oppose them in this matter.
425. Was the resolution of the council to oppose this Bill passed unanimously? It was.
426. *Chairman.*] You say that the council have made provision for electric lighting? Yes.
427. Have you let a contract? Yes.
428. It is actually let? Yes. The contract time is exceeded. The place should have been lit on the 1st of this month.
429. And preparations are going on? Yes, but the machinery is not yet landed.

Mr.
W. T. Dent.
29 May, 1890.

- Mr. W. T. Dent.
29 May, 1890.
430. Will you use poles? Yes.
431. *Mr. Curley.*] Have you had much experience of the Newcastle Gas Company? I have been a consumer of theirs for some time past.
432. Are you aware whether the company have maintained their efficiency as regards the supply of gas? I have heard complaints, but, individually, I have had no fault to find.
433. *Mr. Brown.*] Your council has not the power to supply lights to private individuals? We think we have.
434. Have you read the Act? I have.
435. Supposing the gas company desired to establish the electric light, could you not dispose of your plant to them? Yes; but I do not think we should be disposed to do that.
436. They would not be likely to come to you with your works in existence? After what they did at Waratah I should not be surprised at anything they did.

WEDNESDAY, 4 JUNE, 1890.

Present:—
MR. BURNS. | MR. WRIGHT.
MR. CURLEY.
J. F. CULLEN, ESQ., IN THE CHAIR

Mr. H. J. Brown, solicitor, appeared on behalf of the promoters of the Bill.
Mr. W. H. Baker, solicitor, appeared on behalf of several Municipal Councils petitioning against the Bill.

Mr. David Watson called in, sworn, and examined:—

- Mr. D. Watson.
4 June, 1890.
437. *Mr. Baker.*] You are alderman of the Borough of Waratah? Yes.
438. Are you aware that the Newcastle Gas Company have introduced a Bill enabling them to supply electricity within an area of 10 miles of the city of Newcastle? Yes.
439. Did your council petition against that Bill? Yes.
440. Shortly, what reasons had the council for objecting to the Bill? I believe the council represented the feeling of the public.
441. Was a public meeting called? Yes; there was a large requisition to the Mayor to summon a public meeting, in order to take action in opposition to the Bill.
442. Was that public meeting held? Yes; on the 13th January last, and it was largely attended.
443. What was the decision of the meeting? There was, with one exception, a unanimous vote. It was decided that the council should oppose the passing of the Bill.
444. Who was the one dissentient? He was an employee of the gas company.
445. And not a ratepayer in the municipality? No.
446. Have your council had any dealings with the gas company? A great deal of correspondence has taken place between the Waratah council and the gas company. The first correspondence was in 1885, when the council asked them to light up so many lamps and inquired what the price would be. The price was £13 per lamp with a guarantee for ten years.
447. You mean that the council required a guarantee for ten years at that price? Yes.
448. What was the outcome of it? We declined the offer. Two years after that, in 1887, we applied to the company to reconsider their offer, and they referred the council to their old letter of 20th October, 1885.
449. Were you able to make reasonable terms with them? We could not make terms with them, except at a price which the ratepayers would not think of accepting.
450. You have now established gas-works in your municipality? Yes; by the unanimous vote of the ratepayers.
451. You are now supplying gas to all the ratepayers? Yes, with the exception of about three, who are supplied by the Newcastle Gas Company.
452. Does your council object to the Newcastle Gas Company having the power to lay mains and pipes through your municipality, breaking up the streets and footpaths? We object to the council having the power to break up the roads.
453. Without even obtaining the consent of the council? Exactly.
454. Have you read the fourth clause of the Bill? Yes. We object to that clause, because we consider that the notice is too little. Besides, we think the council should have power to say whether the company should break up roads or not—that is one of our great objections to the Bill.
455. You say that the general feeling is against any company having such power? Yes.
456. How long have you been lighting the streets with your own gas? About nine months, I think.
457. Can you tell me at what rate per lamp per annum you are supplying the light? I do not think it would exceed £8.
458. Have you any reliable data to go upon? Not yet. We made out a short balance-sheet when we were just starting, but we could not make a proper calculation as to what the expenditure would be at that time.
459. But you estimate that it is now costing about £8 per lamp? Yes.
460. *Mr. Wright.*] Do you sell light to the ratepayers privately? Yes; we charge 6s. per 1,000 ordinarily, and 5s. per 1,000 to those who use the gas for cooking purposes.
461. *Mr. Brown.*] I understand that you object altogether to the introduction of the electric light into Waratah? I do not think that feeling has been expressed, but the people object to the Bill *in toto*, and it provides for the electric light.
462. Suppose your municipality were to increase very much in size and numbers, and that a large number of persons required the electric light, and this Bill were thrown out, how would they get it? I could not answer that question.
463. But what would the council do if a large number of persons desired the electric light? Well, we might get it from a neighbouring borough.
464. Suppose a large number of the ratepayers required the electric light for their own private purposes, would the council object to it? I do not think I could answer that question. 465.

465. Suppose the company were restricted in what we may term its compulsory powers to Newcastle, and could not go to the surrounding municipalities without consent of the municipal councils, would that meet your objection? I do not think there is any need for that provision; the municipality which I represent is simply carrying out the power which the law has given it.

Mr.
D. Watson.
4 June, 1890.

466. *Mr. Baker.*] Cannot a public meeting be called at any time for the purpose of settling this question? Yes.

Mr. John Rollo Rogers called in, sworn, and examined:—

467. *Mr. Baker.*] You are an alderman of the Borough of Newcastle? Yes.

468. You are aware that a bill has been introduced by the Newcastle Gas Company, enabling them to supply electricity? Yes.

Mr.
J. R. Rogers.
4 June, 1890.

469. And your council have petitioned against it? Yes.

470. Was a public meeting held in Newcastle some time ago in reference to the matter? A kind of public meeting was held in reference to the matter on the 2nd of last month. A public meeting was called by advertisement of those adverse to electric lighting, by the Borough of Newcastle. The meeting was held in the School of Arts, a quasi public building. There were, according to the newspaper, fifty-three persons present, but I counted only forty-eight. Among those were thirteen employees and officers of the gas company. There were also a considerable number of persons who, to my knowledge, were either directly interested as shareholders in the company, or were indirectly interested through their relations being shareholders. I would not be certain of the number of those persons, but I think it was about twenty-two.

471. How many were opposed to the proposal? Judging from the statement of the chairman, sixteen voted for the first resolution. The second resolution, according to the chairman's decision, was carried unanimously, but, as a matter of fact, eleven hands were held up and the rest were indifferent.

472. What is the population of Newcastle? I suppose about 16,000 or 17,000, speaking roughly.

473. The council have resolved to oppose this Bill? Unanimously, on the ground of the public welfare. We are now attempting to get a Bill passed, and, it being one of the principles of public bodies to attempt to secure the greatest good for the greatest number, it is thought that if the public are made joint stock shareholders in an undertaking of this character, more good will be done than if the profits are put into the pockets of a private company.

474. What is the feeling of the public about the matter as far as you can judge? I think it is evidenced by the fact that, although this question of electric lighting has been agitated for twelve months, only two letters have appeared in the public press opposed to the lighting of Newcastle. I knock about a good deal as a public man, and I am satisfied that the public of Newcastle are totally averse to the gas company having these powers.

475. The council consider that they should have these powers themselves? Decidedly, in the public interests.

476. You say that the council of Newcastle unanimously resolved to oppose the company's bill? They did in conference.

477. I am referring to the resolution of the council? I was speaking of the resolution passed at the conference of the Municipality of Newcastle and the suburban municipalities.

478. Were you present at the meeting? Yes.

479. Was there a pretty full attendance of aldermen? All the municipalities were represented I believe.

480. The resolution was unanimous? I believe it was. I do not think there was a single dissentient.

481. What about the resolution that was passed by the Newcastle council, as a council, referring to this Bill? I could not be sure about that. You had better obtain that information from the town clerk.

482. Were you present when the resolution was passed by the council? I could not say from memory. We have had so many conferences as to this matter that my memory is confused between conferences and council meetings. To the best of my knowledge and belief a resolution such as you referred to has been passed.

483. Does your recollection serve you as to whether the vote was a unanimous vote or a majority vote? The Newcastle council are undoubtedly unanimous against this Bill; but we are not unanimous as regards our own Bill.

484. On what ground do you say that the council are unanimously against this Bill? On the ground that they are not desirous of the Newcastle Gas Company having such extended powers.

485. That is not an answer to my question;—how do you know that the council are unanimously against the Bill if you do not know whether there was a unanimous vote against it? I believe the Council are unanimously opposed to the Bill. At the conference, as I have already said, there was not a single dissentient voice.

486. Your memory does not serve you sufficiently to enable you to say whether there was a unanimous vote in the Newcastle council itself? No. I should not like to speak positively with reference to the council itself.

487. *Mr. Curley.*] Would it be quite legitimate for you to incorporate yourselves in a matter of this kind with other municipalities adjoining you, so that you could act jointly? Our Bill has a provision of that kind. If any municipality should express a wish we can supply them with electricity.

488. *Mr. Brown.*] Have you entered into any contract? We have. I believe the corporate seal is affixed.

489. When was that done? On Monday night. The council, by resolution, empowered the mayor to fix the corporate seal to the agreement.

490. *Chairman.*] Do you mean on Monday night last? Yes.

491. *Mr. Brown.*] Was there not some letter from the council's solicitor recommending that counsel's opinion should be taken? An opinion was expressed regarding a certain provision.

492. But was it not suggested that counsel's opinion should be taken? It was suggested.

493. And the council decided not to take the opinion? Yes; they had already an opinion in another direction.

494. What is the amount the council gave for the plant? £8,530, I think.

495. They have to buy the land? Yes.

496. How much would that cost? About £1,000.

- Mr. J. R. Rogers.
4 June, 1890.
497. Does your estimate include the cost of fixing the wire to the posts? Yes; and switching the light on.
498. In round numbers it would cost about £10,000? Yes.
499. Is it not a part of your agreement with the contractors that you are to pay 8½ per cent. interest upon the plant? As long as the principal is not paid.
500. You are also to pay a sum for working expenses while the work is being tried? The light is to be run by them for an unlimited time—they run it for £1,150 per annum.
501. You are not to pay cash down for the plant? It is left open to us to pay cash when we think proper. We pay 8½ per cent. interest during the time we are retaining the principal, and we pay £1,150 a year during the time the contractors are running the light—that is for the cost of running.
50. Mr. Baker.] You can pay up the money at any time? At any time we think proper, but we thought it desirable to see that the plant was perfect before we paid the money.
503. If the council think fit in six months they can pay the full amount of capital, do away with the percentage, and the £1,150 per annum? Yes.
504. Chairman.] And take over the working yourselves? Yes.

Mr. Edward Scott Holland called in, sworn, and examined:—

- Mr. E. S. Holland.
4 June, 1890.
505. Mr. Baker.] You are of course aware that a Bill is being introduced by the Newcastle Gas Company to enable them to supply electricity? Yes.
506. The council of Newcastle have sent in a petition against that Bill? Yes.
507. Shortly, what are the grounds upon which the council oppose it? The council object to it in the public interests. A monopoly is sought enabling the company to break up the streets and to supply electric light in addition to gas.
508. Has the council had any difficulty with the company in regard to the supply of gas? They have been supplied with gas by the company, I believe, since 1875; but they consider that the price paid has been far higher than it should have been.
509. Have the council had any difficulty in making terms with the company? We have had a kind of concession from them at different times—the price has been reduced, but we have always had to guarantee an extra number of lamps and reduced burners.
510. Mr. Wright.] You mean a less consumption of gas per light? Yes, we used to have 5-foot burners, but they were reduced to 4 feet, and we had to give an additional forty or fifty lamps with nearly every agreement.
511. You have had correspondence with the company in this matter? Yes.
512. Showing the difficulty you have had to make terms with them? Yes, without these concessions.
513. How long have the company been supplying the council? Since 1875.
514. Chairman.] You say that the council object to the gas company getting a monopoly of the lighting of the streets? I may mention that the Newcastle council intended to start gas-works of their own some years ago.
515. Is there anything in this Bill asking for a monopoly? It amounts to that.
516. How so? It gives the company power to do as they like.
517. But does it in any way prevent the council from doing as they like—would this Bill, if passed, prevent the council from lighting the streets in any way it chose? It would be a great pity to see two conflicting bodies.
518. Is there anything to prevent the council having free scope in the lighting of Newcastle—is there anything limiting the council in the matter? I think there is; I think there is a monopoly in that Bill.
519. Can you point to any clause by which it is covered? I think the Bill gives power to such an extent that it must be said to amount to a monopoly; no one else could compete against the company.
520. Will you point out in what clause these powers are contained? The Bill gives the council power to supply the electric light in the city of Newcastle, and within a radius of 10 miles—that would amount to their having the matter solely in their own hands.
521. But how would that prevent the council from covering the whole of Newcastle with a lighting apparatus? Well, there would be a difficulty in the council facing the monopoly.
522. But the question is, whether a monopoly exists? In reading the Bill through I thought it amounted to a monopoly, and the council are under that impression.
523. And it is on that ground that the council is opposing the Bill? That is one ground.
524. Then one objection would be removed if the Bill gave no monopoly? In that particular only.
525. Mr. Burns.] Then you have no objection to powers similar to those asked for by this company being given to the council itself? I am only a servant of the council.
526. Supposing the council obtained such powers as are asked for under this Bill, according to your view they would have a monopoly? No; the Newcastle company would still have the power to light Newcastle with gas.
527. Then how could there be a monopoly in either case? The company are increasing their powers by introducing the electric light in addition to gas.
528. You say the Bill gives a monopoly, but if it would not give a monopoly to the council how can it be said to give a monopoly to the company? That was the feeling expressed at a public meeting which was held.
529. Mr. Wright.] What you mean to say is that the extension of the powers of the gas company will put it outside of the power of anyone else to compete with them, except at a large loss? Yes.
530. Chairman.] The Municipal Council of Newcastle passed a resolution deciding to oppose this Bill? Yes.
531. How did the voting go? There was a unanimous vote.
532. In opposition to the Bill? Yes. The mayor was instructed to call a conference of all the municipalities in the district—there are eleven or twelve different municipalities within a radius of 10 miles—for the purpose of ascertaining what was the feeling of the adjoining municipalities in the matter. That conference was held.
533. You say that the council consider that the price they have been paying for gas all along has been too high? Yes.
534. What is the present price of gas? £5 10s. per lamp.

535. Has the council had the offer of a reduction? If we gave them a contract for a number of years the price was to be reduced to £4 18s. 9d.
536. For how many years? Three or four.
537. Do you know of any company supplying gas at a lower price than £4 18s. 9d. per lamp? I know of a great many in Victoria, but none in this country.
538. Supplying gas less than that price? Yes, by meter. It is supplied in Victoria at £3 18s. 9d. The meter is attached to each lamp, and the price paid is in accordance with the consumption.
539. The council regulates the consumption in that case? The council pay the current rate charged the householder upon the amount consumed by meter for each lamp.
540. And it comes to £3 18s. 9d. per lamp? Yes.
541. What does that company charge the householders per 1,000? From 4s. 6d. to 5s.
542. Yet the street lamps only cost £3 18s. 9d. per year? I saw in a report which came from Victoria that there are two boroughs in that colony supplied at that price.
543. £3 18s. 9d. per lamp per annum, at the rate of 4s. 6d. per 1,000? I think the current price would be about 4s. 6d.
544. Where did you get that information? It was in a newspaper report.
545. Was it the report of a council, or of a gas company? It was the report of a council meeting in Victoria. The council were entering into arrangement for the lighting of the borough. They had been lit some time before, but fresh arrangements were made, and the mayor insisted on having the meters put on the lamp-posts.
546. Then it has not been in working? Oh, yes; but they thought they were paying too high according to the current rate paid by private individuals. They wished to pay for gas at the same rate. The company determined to allow meters to be put on for twelve months, and the result was that the rate was discovered to be about £3 18s. 9d. per lamp.
547. Do you know what price the Sydney Gas Company is charging per lamp at the present time? About £5.
548. What is the total number of lamps in Newcastle lit up by this company? Approximately about 312 at £5 10s. There are nine or ten lamps at £7 15s.
549. *Mr. Burns.*] What councils were alleged to be getting gas supplied at the price you mentioned in Victoria? There were two boroughs in which the experiment was tried, and was found so successful. I do not now remember the names, but I know that they were in the immediate vicinity of Melbourne.
550. *Mr. Baker.*] You could supply the information if required? Yes.
551. *Chairman.*] When did you receive this report? About four months ago.
552. *Mr. Brown.*] Those boroughs would be supplied I imagine by the Melbourne Gas Company? I do not know about that; there are plenty of gas companies round about Melbourne.
553. Was it shown in the report whether the lamps were kept alight all night? No, it was not.
554. Does it show either who lit the lamps, who extinguished them, or who cleaned them? No, that is not shown.
555. You say that the company in reducing the price of your lamps also reduced the power of the burners? Yes.
556. But you got a larger number of lamps lit for the same amount of money? With 4-foot burners instead of 5-foot burners.
557. Do you know what burners are used in Sydney? I do not.
558. *Mr. Baker.*] How long is it since the question of introducing a Bill to enable the council to supply electricity was first discussed? About twelve months ago.
559. And has the matter since been talked of by the council from time to time? Yes.
560. I suppose the proceedings of the council during that time have been published? Yes. In August last the council entered into a contract for electric lighting. The Newcastle Gas Company then wrote, stating that they would be willing to supply electricity. That was after the contract was made.
561. How long ago was that? I think they wrote in February last.
562. But the public were fully aware twelve months ago that the council were about to introduce a Bill? Yes.
563. *Mr. Curley.*] Have you ever received any written protest against the action of the council from any ratepayer;—that is against their action in proceeding with electric lighting? No.
564. *Mr. Brown.*] When did the council first determine to apply for a Bill authorizing them to supply the electric light to private consumers? About August last year. Their solicitor was then instructed to prepare a Bill.

Mr. E. S.
Holland.
4 June, 1890.

Mr. James Myers called in, sworn, and examined:—

565. *Mr. Baker.*] You are Mayor of Wickham, a municipality adjoining Newcastle? Yes.
566. You are aware that your council have petitioned against the Newcastle Gas Company having a Bill to introduce electricity into that district? I am.
567. Had you a meeting of the council in reference to the opposition to the Bill? Yes; a notice was received from the Newcastle Council, suggesting that a conference should be held, and it was unanimously agreed that our council should be represented at it.
568. The conference was for the purpose of opposing the Company's Bill? Yes.
569. Your council object to any private company interfering with the roads and streets of your municipality? Yes.
570. Breaking up the roads and footpaths without the consent of the municipality? Yes.
571. The 4th clause of the Bill empowers the company, without consulting the council, to break up the roads and streets after giving twenty-four hours' notice? Yes; the council object to that clause.
572. Do you know the feeling of the ratepayers in your municipality? There has never been a public meeting, but I believe that if one were held it would be unanimous against the company having the right to come in upon our roads without our permission.
573. The council wish to control their own roads, and to have the power to introduce electricity if they think proper? Yes.
574. They are opposed to any clause empowering the council to come in without your permission? Yes.
575. Are you doing business at the present time with the gas company? Yes.

Mr.
J. Myers.
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576.

Mr.
J. Myers.
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576. What price are you paying them at the present time? I believe it is less than it was. They made some concessions about twelve months ago at my own instigation. I moved that a committee should wait upon the gas company.
577. How long ago? That was just before I was elected mayor, at the end of last year.
578. Your committee wanted better terms? Yes. We offered to take a certain number of lamps if the company would make a concession. They made a considerable concession, and we took twenty odd additional lamps. We are getting twenty odd additional lamps now lit for about the same money as we were paying for the old number.
579. You attended the conference as mayor? Yes.
580. There was a unanimous vote in favour of the opposing of the passing of this Bill? Yes, I believe so.
581. *Chairman.*] What is the present price per lamp your council are paying? I am not sure whether it is £6 or £6 5s. per lamp.
582. What is the total number of your lamps? I could not say.
583. Approximately? I suppose that we have about 70 or 80 lamps; I could not be sure about it.
584. When you approached the company and asked for a concession, how did they meet you—had you much squeezing to do? Yes, a trifle.
585. Ultimately you got the concession? Yes. The committee reported to the council in the first instance, and I insisted that they should go to the company again and offer them a figure, and nothing more; they obtained the lighting for that figure.
586. Was it a good concession? Yes.
587. Are you aware that this Bill gives no monopoly to the company? I do not consider that there is any particular monopoly, but I think that the council ought to reserve to themselves the right to say whether any company should be allowed to come in upon their roads and cut them up.
588. Your council really want a monopoly—they want the full power and control? I think the Council have a perfect right to that power.
589. Does not your council wish to keep the whole thing in its hands—that is the supplying of light or any arrangements for it which they may think fit to make? I do not think that is a fair question.
590. What is your own view? I am here to answer for the council. I do not think I ought to express my individual opinion.
591. What is the council's view? I believe the council's opinion is that they should have the right to light their streets or not as they think fit.
592. To light them for themselves if they like? Yes.
593. *Mr. Burns.*] You see no objection to the council having a complete monopoly? I will put it this way: If the council have a monopoly they are there on behalf of the ratepayers.
594. You have no objection to the council having a monopoly, but you object to the company having one? I consider that if the council have a monopoly at all they are doing the best they can for the ratepayers.
595. The question is: Do you wish the council to have a complete monopoly of the business? I can't answer that question; it means "yes" or "no," and if I say they want a monopoly it is objecting to the gas company having that monopoly.
596. Where is the monopoly? Let me put it in this way: If the council arrange among themselves that they will light the streets with gas or electricity, I consider that they have a perfect right to keep any private company from coming in in opposition to them.
597. Then you want a monopoly for the ratepayers? It is for their benefit, although they do not want to declare large dividends.
598. The chief objection to this Bill, I understood from the evidence, was to the company having a monopoly? I do not say that the company would have exactly a monopoly under this Bill. I consider that any municipality would be able to run other works alongside of theirs.
599. *Mr. Brown.*] You object to any company coming in to light the streets without your consent? Yes.
600. But no company could light the streets without entering into a contract with the council? They could supply the light to private consumers, and I object to their coming in upon our streets. They have come in to other municipalities without their consent to light private properties, and I think it is very objectionable.
601. Are you not aware that another company have a Bill similar to this for general lighting purposes? I was not aware that they were asking for a monopoly.
602. But they ask for powers similar to those contained in this Bill? I was not aware of that.
603. Do you know that the Newcastle Borough Council are applying for similar powers in the adjoining municipalities? Yes. I am aware of that, but there is a condition attached—they will light by permission. They will not attempt to come in upon our roads without permission. If they attempted to do anything of the kind we should oppose their Bill. I, for one, should certainly do so.
604. Suppose this Bill were altered in that respect, would you then object to it? If there were a provision for them to come in with permission it would be a different matter.
605. But suppose some municipality beyond you wished to have light from this company, might it not be necessary for the company to go through your municipality for the purpose of supplying them? Yes.
606. If you declined to allow them to go through, the municipality beyond might be deprived of light? It would be for the council to decide whether the company should have the required permission. We want the right in such a case to say whether the company should go through or not.
607. *Mr. Baker.*] Talking about a monopoly, you only want the right, within the boundaries of your own municipality, to control your own affairs? Yes.
608. Is not the company asking the power to go into all the municipalities within a radius of 10 miles of Newcastle? Yes.
609. Whether the municipalities like it or not? Yes.
610. Your principal objection to the Bill is that the councils have not the right to say whether this shall be permitted or not? Yes.

Mr. Thomas Frith called in, sworn, and examined:—

Mr.
T. Frith.
4 June, 1890.

611. *Mr. Baker.*] You are Mayor of Adamstown? Yes.
612. Your council have petitioned against the Newcastle Gas Company obtaining a Bill to introduce electricity into the Newcastle district? Yes.

613. What are the grounds of your objection? We think we have a right to object to the company coming into our municipality and cutting up the streets and roads.
614. That is, without the consent of the council? Yes.
615. Did your council vote unanimously in favour of opposing this Bill? Yes.
616. Was a resolution passed? Yes.
617. Have any public meetings been held? Yes.
618. When? I could not exactly state the date; one was held about two months ago.
619. What was the voice of that meeting? It was unanimous in opposing the various clauses of this Bill.
620. Particularly the right of a company to interfere with your roads and streets? Yes.
621. Was that particular subject discussed? Yes. The council thought that they had a perfect right to light the municipality themselves, if they thought fit to do so, or to make any arrangements they chose with any company without being confined to one company.
622. And without having a compulsory clause in an Act of Parliament? Yes.
623. At what distance are you from Newcastle? About $3\frac{1}{2}$ miles.
624. The feeling of your ratepayers is strongly against the Bill? Yes.
625. I believe you attended the conference held in Newcastle? Yes.
626. It was there decided that all the municipalities should oppose the Bill? Unanimously. It was also decided in public meeting that the aldermen should sign a petition on behalf of the ratepayers, opposing the Bill.
627. *Chairman.*] Has your council any contract with the gas company at the present time? No.
628. How are your streets lighted? They are not lighted at all.
629. *Mr. Curley.*] Do you think it desirable that two or three different parties should have power to come into your municipality and cut up the streets? No; we think the council should have power to say what parties should come in.
630. *Mr. Brown.*] A copy of this Bill was sent to your council? No.
631. Are you sure of that? Certain—at least the council did not receive any.
632. How long has your municipality been incorporated? Four years.

Mr.
T. Frith.
4 June, 1890.

Mr. Joseph William Oldham called in, sworn, and examined:—

633. *Mr. Baker.*] You are Mayor of New Lambton? Yes.
634. You are aware that your council have petitioned against the passing of this Bill? Yes.
635. Did you hold a meeting of the council in reference to the matter? Yes.
636. About when? I could not say exactly, but it was between two and three months ago.
637. How was the voting? It was unanimously resolved by the council that we should oppose the Bill in its entirety.
638. Upon what grounds? We objected to the powers granted in the Bill. We did not see why any Bill should provide for the company coming into any municipality of their own free will and cutting up its streets and roads. We thought we had a right to say whether the company should come in or not.
639. You object to any private company interfering with your roads? Yes.
640. You know that the gas company is a private company? Yes.
641. You see by the Bill that they have the power to come in on giving twenty-four hours notice? Yes; we considered that provision quite unjustifiable.
642. Is your borough lighted now? No.
643. Is it your intention to light it? Not just yet; we are only a new municipality. We were incorporated only about eighteen months ago. We think arrangements for lighting the streets at present would be premature. We will consider that matter by-and-bye; but it is the general opinion of the council and of the ratepayers, as far as I am able to judge as a public man—and I knock about among them a good deal—that this Bill should not be passed. I have not heard one of our ratepayers say that he approved of the Bill. A good many of them take a great deal of interest in the matter and went to the council chambers and read it through. The council consider that when the time comes for lighting the borough they ought to have the privilege of lighting it themselves, or in whatever way they may think fit. We might, for instance, light from Lambton, which has recently entered into a contract for the supply of the electric light. We consider that if a Bill were passed enabling a private company to come in our interests would be injured. We think also that we ought to have sole control of the roads and streets, and that, for the public protection, companies should not be allowed to come in and lay possibly conflicting wires.
644. *Chairman.*] You know that this Bill confers no monopoly upon the gas company? As far as I can understand it it does not altogether provide for a monopoly; but for all that the powers provided for are very objectionable.
645. You are aware that your council would still be perfectly free to make a contract with this company or not? Yes; that is understood.
646. *Mr. Brown.*] Do I understand that your objection is that the company has power to come in without asking your permission? There is provision for twenty-four hours notice, that is all.
647. If the company could come in only with consent, would you object to the Bill? I am not here to answer that question. I am sent here by my council and as a member of the conference which was held at Newcastle, to oppose the Bill. They had the Bill before them and no amendments were considered; it was thought objectionable in its present form. It was unanimously decided that I should attend the conference to oppose it, and I was sent here for the same purpose.

Mr. J.
W. Oldham.
4 June, 1890.

Mr. George Brown called in, sworn, and examined:—

648. *Mr. Baker.*] You are Mayor of Merewether? Yes.
649. Your council petitioned against the gas company introducing and passing this Bill? Yes.
650. Had you a meeting of the council? Yes.
651. About when? I think the first was about three months since.
652. You have had several meetings, have you? Yes.

Mr.
G. Brown.
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Mr.
G. Brown.
4 June, 1890.

653. Did your council meet to consider whether they would oppose the Bill or not? There was not a special meeting, but the matter was brought up at one of our council meetings, and it was decided that we should oppose the Bill with all the power we possessed; that was unanimously resolved upon.

654. Hence your petition? Yes.

655. What were the grounds? The grounds were that we objected to any company having the privilege of coming upon our streets and cutting them up without our permission. We have suffered severely from the laying down of water pipes in our streets. They have been so damaged that it will cost this year all our rates to repair them.

656. What is the feeling of the Merewether ratepayers? The feeling is against any company having such powers. They consider that although the Bill is not a monopoly it amounts to one; because, should they enter into an agreement with any other company or party to bring in gas, then the Newcastle Gas Company, having its plant and everything ready, would in the first year or two be able to cut them down in price until we should be unable to get any company to compete with them. It would therefore amount to a monopoly.

657. They have sufficient capital and plant to crush any young company which might come in? Yes.

658. They have full power to reduce the price of gas as they think proper? Yes. We discussed the *pros* and *cons*, and that was the conclusion to which we arrived. A ratepayers' meeting was called about six or seven months back. The gas company offered to supply gas at a price which was considered unreasonable, and it was almost unanimously decided that gas should not be taken at the price the company then offered.

659. *Chairman.*] How are your streets lighted now? Not at all.

660. You say that the laying down of the water pipes cut up your streets seriously? Yes.

661. But that is a Government work? Yes.

662. You have some redress, have you not? We have applied to the Government, and they have given us every promise that the matter shall be looked after. If you were to come into our streets now you would agree with me, I think, that they are in such a condition as to render traffic almost impracticable.

663. But you know that this Bill would compel the gas company to make good any opening made in the streets? We know that there is a clause providing for that, but we think that there would be some difficulty in making them do it.

664. *Mr. Brown.*] Do you know that there is a clause in the Bill providing that if the company delay the completion of repairs, and putting the streets in order, they are liable to a penalty of £5 a day? But they would put us to a great deal of trouble to get it—we should have to go to law. They can spend a great deal of money at law; and if we can stop them from doing it it would be much better than suing them afterwards.

665. Gas is laid in Merewether? No.

666. Do not any private houses take gas there? No. I have seen a requisition with over forty names applying for it; but the company refused to bring it in unless the council would take thirty-eight lamps at £7 per lamp.

667. *Mr. Burns.*] You would not take the lamps at that price? No.

668. *Mr. Brown.*] If the company had the powers given under this Bill they would not go to you then unless you agreed to take electricity? I have already explained our reasons for objecting to their having the privilege of coming in.

669. Did not the company send you a copy of the Bill? No; at all events we did not receive one.

670. Have your council discussed the Bill? Yes.

671. And you object to the whole of it? I was instructed to vote against the whole of it. We consider that it is an imposition upon us.

672. You do not object to the Newcastle Borough Council having similar powers? They have not asked for them; therefore the matter has not been considered by our council. When the matter arises we will deal with it.

673. *Mr. Baker.*] Do you not think that if the council have power to come in under the 4th clause, the whole of the Bill practically comes into force? Yes.

Mr. Thomas Garrett called in, sworn, and examined:—

Mr.
T. Garrett.
4 June, 1890.

674. *Mr. Baker.*] You are an alderman of the Municipality of Carrington? Yes.

675. The mayor is unable to attend, and you are attending on his behalf? Yes.

676. You know that the Carrington Council has petitioned against the Newcastle Gas Company obtaining a Bill to introduce electricity into your municipality and the surrounding districts? Yes.

677. Had you a meeting of the Council on the subject? The petition came before the council in the ordinary way.

678. What did the council decide? They expressed themselves totally opposed to the Bill in its present form.

679. Did they go through the Bill? Not as a body, but I think they have been through it individually. I myself have read it through.

680. It was discussed by the council? Yes.

681. Was there a unanimous vote on the subject? It was unanimously resolved last night that we should oppose the Bill in its present form.

682. What were the grounds? The grounds are that this Bill empowers the gas company to come into our municipality to erect works, to break up the streets, and to do almost anything they please without our permission. We think we have a right to say whether they shall do these things or not, whether they shall light the borough or not, or whether we shall light it ourselves. They may cause us a lot of inconvenience which we would rather avoid.

683. You think they should have no right after giving notice, without the consent of the council, to come into your borough at all? They ought not to come in without our consent, and we hold that the Bill ought not to give them that power. I may say that with that provision in the Bill, reserving to the council the right to admit them, the council would offer no opposition to the Bill. I of course assume that such alterations would be made in the Bill as would be necessary to give effect to the clause I indicate.

684. Your council think that twenty-four hours' notice is not sufficient? We have not discussed that particular point.

685. How many members of the council were present last night? Eight out of nine.

686. It was at a previous meeting of the council that you resolved to petition against the Bill? The petition was signed at a previous meeting.

687. Was it covered by a resolution? I am not certain about that, but I know that there was a full meeting of the council to sign it—it was signed unanimously.

688. How is the borough lighted at present? We are not yet lighted. We are waiting to see the result of electricity elsewhere. The Government have called for tenders for the installation of the light at Bullock Island, and the Newcastle Council are also negotiating for the introduction of the light in their municipality—we are waiting to see how it operates in these places.

689. Was your council represented at the conference which was held? I am not certain; I cannot remember; I know that correspondence passed between us and the Newcastle Council on the subject. My memory does not enable me to say whether representatives went from our council to the conference. It may have been so, but, whether or no, the council are unanimous in the opposition to the Bill in its present form.

690. *Mr. Brown.*] Have you not gas laid on in Carrington? Yes; for private supply, and for the supply of the Government—it is supplied by the Newcastle Gas Company.

691. Have you any reason to complain of the way in which it has been supplied? Yes.

692. In what way? Well, they have broken up the streets, and they have not relaid them in as good a condition as that in which they found them.

693. Was that done under notice from the company? We were not incorporated at the time I refer to. I know that afterwards we had to break up portions of the streets again, and to put them in order; they left big stones on the top in some places, and the roads were left in a very unsatisfactory state until the council repaired them.

694. This was before Carrington was incorporated? Yes; but I suppose the company would do so again if they were allowed.

Mr. Edward Scott Holland recalled and further examined:—

695. *Mr. Baker.*] You received a letter from the council clerk of Plattsburgh? Yes; it is as follows:—

Sir,

Borough of Plattsburgh Council Chambers, 2 June, 1890.

I have the honor, instructed by his Worship the Mayor, to acknowledge the receipt of your favour of the 31st May, wherein you intimate that the meeting of the Select Committee *re* Newcastle Gas and Electric Light Bill was adjourned to Wednesday, 4th June.

In reply, I am directed to state that my council, having entered their protest by petition against the passing of the Bill in question, do not consider it necessary that they should take any further steps in the matter, believing that the information to be obtained from the other councils in the immediate vicinity of Newcastle will have the desired effect.

I have, &c.,

THOMAS ABEL,
Council Clerk.

The Town Clerk, Newcastle.

Mr.
E. S. Holland.

4 June, 1890.

Mr. Charles Frederick Stokes recalled and further examined:—

696. *Mr. Brown.*] You have heard the evidence given by the Mayor and aldermen of Waratah regarding the action of the company in respect of that borough; will you kindly give the Committee your version of it? Some five or six years ago we were applied to by the Council of Waratah to light the borough with gas. We took the matter into consideration, and endeavoured to ascertain what consumption we should be likely to receive there within a certain number of years. We had an estimate made as to the cost of the installation of mains, pillars, &c., for the lighting of the borough. Upon that investigation we made an offer. I may say that they wanted only the very small number of thirty lamps.

697. Were those lamps far apart? Pretty far apart, and necessarily so, because it is a scattered borough. We made an offer of, I think, £13 or £13 10s. per lamp. Nothing more was done for some considerable time, but negotiations again cropped up, and we had an interview with the then Mayor of Waratah.

698. Who was that? Mr. Scholey, a very well known gentleman. We said that we could not see our way in our then position to make a reduction in the price, unless there was a fair chance of our receiving some fair consumption from the public, as the cost of installation would be so great. I may say that the cost of installation of mains, lamps, pipes, &c., came to somewhere about £3,000. Mr. Scholey said that he took a very great interest in the matter, and he would be very glad indeed if he could find out that a number of the residents would take the gas. He undertook to see what number of persons would take it, and to let us know. He was seen several times in the matter, and communications were held with him, but he did not do anything. In the meantime, we ourselves were looking about and seeing what could be done. In talking to residents of the other portions of Waratah—that is, North Waratah—we had decided that we would at any rate run our mains from Tighe's Hill over in that direction, to take up some of the new houses then building without interfering in any way with the Waratah Council on the other side.

699. Is this lighting you speak of on the same side of the Great Northern Railway as the Waratah Council's works? No, on this side. We had constant communication with Mr. Scholey, and with other aldermen of the Borough of Waratah, to see if we could come to some arrangement. The population was then increasing, and we thought we could see our way clear to make arrangements with them on a very reduced scale. Nothing at all was done, and we then heard that they were negotiating with an engineer there to put up gas-works of their own. We could get no satisfaction from them, and we went on with our mains to the north side supplying those people we said we would supply. After this the Waratah Council endeavoured to purchase from us the mains which we had laid down, and we had some correspondence on the subject, but as we had bound ourselves to supply gas at the ruling price at Newcastle, and as we knew that the price which would probably be charged at Waratah would be higher, Mr. Brown advised us that if we made any arrangements with the Council we should be breaking an agreement which we had made with our customers. We therefore declined their offer. That is the exact state of the case, as nearly as I can recollect.

700. You would have been entering into an agreement which you would not have been able to perform had you sold those mains? Yes; unless we had inserted a proviso that the council should carry out any contract we had made.

701.

Mr.
C. F. Stokes.

4 June, 1890.

Mr.
C. F. Stokes,
4 June, 1890.

701. Can you tell me the cost of lighting and keeping lamps clean per annum? I believe our lighting comes to £1 6s. 6d. per annum.

702. Does that include repairs? No. I think that is only the lamp lighting and keeping clean. I may state also in regard to a remark made by Mr. Christie, in case it should prejudice the Committee, that it was in 1864 or 1865 that our company was first in communication with the Borough of Newcastle with reference to providing the light there. Newcastle was then a very small place; the consumption there was not more than sufficient to barely turn the station metre; in fact, the company were in such a state that they did not know whether they would continue or wind up; they were to a certain extent not free agents, they were in the hands of a contractor. The prospects of Newcastle were so bad that the whole thing was taken up by Mr. A. K. Smith, of Melbourne, who had to make the gas at a certain price—the company got nothing at all, and we were to a certain extent not quite free agents. As soon, however, as we got rid of that incumbrance we reopened communications with the Borough of Newcastle. They wanted to give us only fifty lamps. Eventually, we made our first agreement with them, and the price was not £10 or £12 a lamp, but, if I recollect rightly, £8 a lamp. It has been gradually reduced ever since. In fact it has been a principle of the company, published in the newspapers and in our reports, that as increased consumption warranted us we would make a reduction in price. That principle has always guided the board of directors, and is still guiding them.

703. It follows from what you say that, although the price at the beginning may be a very high one for the Corporation to pay, it will be a low one for the company to receive by way of a return for its expenditure? Very often, I apprehend. But the price we charged was not high in comparison with what other companies were charging at the same time; it compared favourably with the Sydney price, seeing that Sydney was supplying thousands of lamps, and that we wanted to supply fifty or sixty. I think we commenced with only seventy lamps.

704. What do you charge now? We charge the Borough Council £5 10s., burning 5-foot burners—not 4-foot burners, as Mr. Holland said.

705. What is the price in Sydney? I am not sure. I think it is £5 in the city, and £5 5s. in the suburbs for 4-foot burners. But then the Sydney company supply 3,000 or 4,000 lamps to our 300; in fact, we have been quoted as the cheapest gas company in the Colonies for our size. Then, there was another mistake made. Mr. Christie stated—and I give him credit for not knowing otherwise—that the council were ready with their Bill, and thought of it long before we thought of ours. As a matter of fact our Bill was prepared and was ready in 1889. We had then to alter it in order to make it agree with the form of another Bill. Our solicitor was instructed to prepare a Bill in December, 1888. We were requested a short time ago by the Borough of Carrington to state the price at which we would supply gas or electricity. We made an offer to supply them with gas, and said we would supply them with electricity as soon as we had power to handle it. We received the following letter:—

Gentlemen,
I am requested to ask you what you would supply the Carrington Municipal Council with from thirty to forty street lamps, at per year—that is gas-lamps—and to state how many nights in the month they would not be lighted. And likewise what you could supply the same number of lamps lit with the electric light.

(Signed) ALEX. MATHESON,

Mayor.

To the Directors of the City of Newcastle Gas Company.

You see they then desired to have the electric light brought in—now it is quite the other way. With reference to the reduction of price made at Wickham, I may state that we reduced the price per lamp at Wickham before the termination of our contract. There were two years to complete it. The council waited on us, and we at once cancelled the contract, reduced the price, and took out a fresh one. As a matter of fact, we have always made it a principle to reduce our price wherever possible. In that way we have given an extra number of lamps for the same money, so that the new contract has cost the Corporation nothing more, and they have had more lamps for their money. With reference to the observations which have been made as to the condition in which we have left the roads, the last work we did in the city of Newcastle was under tarred pavement. We had to open it up, and to lay down fresh material. We requested the council to lay it down themselves, and said we would pay all the expenses.

706. *Chairman.*] Did you request them by letter? I do not know if a letter was sent, but that is the offer we made; we thought it would save all trouble.

707. *Mr. Curley.*] About this matter of Waratah, when there were negotiations with a view to the purchase of the pipes which you had laid down, did you communicate to the council the fact that you had entered into an agreement, or did you endeavour to obtain a release from your contract, in order that you might come to terms with the Waratah Council? I could not say—we put the whole matter in the hands of our solicitor.

708. As to the introduction of lamps at Wickham, you say you gave the council additional lamps at the same cost. Did you not make any alteration in the stipulation as to burners? No; they had the same burners—5-foot burners.

Mr. William Henry Baker called in, sworn, and examined:—

Mr.
W. H. Baker,
4 June, 1890.

709. *Chairman.*] You are a solicitor practising at Newcastle? Yes.

710. And you represent the municipalities petitioning against this Bill? Yes.

711. I believe you wish to show some documents to the Committee? Yes; I wish to show the Committee some letters, and I will presently hand in a letter, which I shall be glad to have printed as an appendix to my evidence. As representing the Waratah Council I produce for the inspection of the Committee a letter under date of 14th October, 1885. It is written by the council clerk of Waratah to the secretary of the Newcastle Gas Company, asking the company for an estimate of their terms for the supply of gas to the Municipal District of Waratah.

712. *Mr. Brown.*] It does not state the number of lamps or anything of that kind? No.

713. *Chairman.*] Do you wish to exhibit any other documents for the inspection of the Committee? Here is the reply of the secretary of the gas company to the Waratah Council acknowledging the receipt of a letter of the 14th October. The secretary states that he expects to be able to give the required information in a day or two. There is another letter dated 20th October, 1885, from the secretary of the gas company to the council clerk of Waratah; it is really a reply to the first letter from the council. The company state that they are willing to lay the mains to Waratah, and to light that municipality with thirty-one

thirty-one lamps in the positions inserted in the schedule and plans, for the sum of £13 per lamp per annum, with an agreement for ten years. I should also like the Committee to look at a letter from the council to the company, dated 29th October, 1885, stating that their letter of the 26th had been submitted to the council, that the council postponed the consideration of the letter and thanked the company for the information supplied. Then there is a letter from the council to the company, under date 8th September, 1886, asking upon what terms the company could supply gas, and pointing out that a majority of the residents would be induced to use the gas in their houses if the mains were laid on. Then there is a letter of the 23rd September, 1886, acknowledging the receipt of the letter of the 8th, and stating that the company will adhere to the terms mentioned in their letter of the 20th October; they refer the council back to their old letter. Then there is a letter of the 28th October, 1887, from the gas company to the council, stating that the company had increased its facilities for supply and was prepared to negotiate upon the best terms. I put in that letter and should like it printed as an appendix to my evidence.

Mr.
W. H. Baker.
4 June, 1890.

714. Are there any other documents you wish to put in? No.

715. Will you shortly state your object in referring at length to this correspondence? Well, the council say that they have always had great difficulty with the gas company in making terms for the supply of gas for the municipal district. They thought that the offer of £13 per lamp for thirty-one lamps and asking for a guarantee or contract for ten years was unreasonable. They wanted, as a matter of fact, to go on from year to year and would not be bound for ten years. The correspondence shows that the council had difficulty in making terms, and we say further that the company did not lay its mains to Waratah until the council had made arrangements for the erection of gas-works within the municipality.

716. *Mr. Kidd.*] The council thought that they could supply gas with greater advantage to the ratepayers than could the company? Yes; but the council did not feel justified in entering into a contract for ten years.

717. *Mr. Brown.*] You know the Municipality of Waratah pretty well? Yes.

718. In 1885 I believe it was very much scattered? Yes.

719. And things were very depressed? I do not know that I can say that.

720. You see by the correspondence in your hands that the company had extended its works, and were desirous of supplying both Waratah and Lambton before the Waratah Council had taken any steps to erect their works? If the council would enter into a contract for ten years, but not upon any other terms.

721. Did not the last letter you read mention the best possible terms, and say that the council had completed works which would enable them to give a supply? The letter states that, no doubt.

722. *Chairman.*] At our last meeting we expressed our willingness to hear any further witnesses you might wish to bring forward;—are you quite satisfied now that ample scope has been given to witnesses against the Bill? I am perfectly satisfied.

TUESDAY, 10 JUNE, 1890.

Present:—

MR. CULLEN.
MR. KIDD.

MR. BURNS.
MR. WRIGHT.

J. F. CULLEN, ESQ., IN THE CHAIR.

Mr. J. H. Brown, Solicitor, appeared on behalf of the promoters of the Bill.

Mr. W. H. Baker, Solicitor, appeared on behalf of several municipalities petitioning against the Bill.

Mr. Cecil West Darley called in, sworn, and examined:—

723. *Chairman.*] You are Engineer-in-Chief for Harbours and Rivers? Yes.

724. I believe you wished to give the Committee some evidence in reference to this Bill? I have a little to say at the request of the Minister. He thought it desirable that a few words should be put in the Bill recognising the rights of the Water Board, which it is in contemplation to establish in the Hunter River District. The water supply of Newcastle is at present partly in the hands of the Government and partly in the hands of the Corporation, but a Bill will shortly be placed before Parliament dealing with the whole question. We want some recognition of the existence of the Board's pipes in the streets so that other pipes or wires which may be laid down may not interfere with the water mains. I think the words "local authority" in clause 5 might be taken to mean the Corporation solely, but if you were to put it in the plural, the Board I take it would be included; it would then read "local authorities or their officers."

Mr. C. W.
Darley.
10 June, 1890.

725. What you seem to wish is that the Government authority for water supply should be recognised? Yes. If it were thought undesirable to make the alteration I have suggested, a few words might be added to the end of the clause. You will observe that in clause 2 mention is made of the powers of the company within the Borough of Newcastle, and a radius of 10 miles. It does not say from what point the radius starts. In specifying a radius it is general to take a centre. These are the only points the Minister wished me to mention, and we should be glad if the Committee could see their way clear to make the necessary alterations. I merely mention the matter of the radius, thinking that it might save trouble hereafter.

726. *Mr. Baker.*] At the present time the water supply is under the control of the Newcastle Corporation? The reticulation only—that is, it is partly under the council and partly under the Government.

727. Is there a contract between the Government and the council? Yes. A Bill which is now in draft however contemplates handing the whole question of water supply over to a local Board similar to that in existence in Sydney.

728. At the present time the council pay so much a year for the water supply? Yes.

**CITY OF NEWCASTLE GAS AND COKE COMPANIES ELECTRIC AND OTHER
LIGHT BILL.**

APPENDIX.

[*Handed in by Mr. Baker.*]

A.

Gentlemen,

The City of Newcastle Gas and Coke Co. (Limited), Newcastle, 28 October, 1887.

Referring to the offer made by this Company to your Council on the 20th October, 1885, to supply 31 lamps, and to the subsequent interview and conversation with your Mayor, Mr. Scholey, on the subject, I now desire, lest there should be any impression that this Company has been unmindful of your requirements, to say, that understanding that the Mayor would supply further and detailed information, it has not, pending receipt of such, again communicated with you on the matter, but in view of the probable requirements of your and other Municipalities, has largely increased its manufacturing capacity, so as to be in readiness to meet any such demand.

This Company is now in negotiation with Lambton and is quite prepared to supply Waratah as well as that Municipality upon the best possible terms, and to light either or both within a very short space of time.

I shall be glad to learn if your Council is prepared to enter into an agreement for the supply of gas, and if so I will at once bring the matter under the further notice of my Directors.

I have, &c.,

A. LANGWILL,
Secretary.

The Mayor and Aldermen, Municipality of Waratah.

Received, John Scholey, Mayor, 31st October, 1887.

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CITY OF NEWCASTLE GAS AND COKE COMPANY'S ELECTRIC AND OTHER LIGHT BILL.

(PETITION FROM GEORGE BRAUN, MAYOR OF MEREWETHER, AGAINST PASSING OF.)

Received by the Legislative Assembly, 3 June, 1890.

To the Honorable the Speaker and Members of the Legislative Assembly in Parliament assembled.

The humble Petition of the Mayor and Aldermen of the Municipal District of Merewether,—

RESPECTFULLY SHOWETH :—

1. That a Bill has been introduced into Parliament authorizing the City of Newcastle Gas and Coke Company to supply the City of Newcastle and suburbs with electricity or other illuminant, for lighting or other purposes, in addition to the powers granted under a private Act, 30 Victoria of 1866, for the manufacture and supply of gas.

2. That the granting of such a measure would not have a beneficial effect upon the residents of this district were such larger powers granted to the Newcastle Gas Company, but would be detrimental to their best endeavours and interests, and inimical to Municipal Boroughs generally, and in a great measure frustrate the powers incident in Municipal Government conferred by Statute, 48 Victoria No. 20, Municipal Gas Act, and amendment thereof, 50 Victoria No. 8, and conserve more to the private interest and aggrandisement of a private company, of private shareholders, instead of the public good.

3. That under the Act 48 Victoria No. 20, and Municipalities Act of 1873, the principle is asserted that the supply of light to boroughs generally can be more efficiently and advantageously carried out when dealt with by municipal bodies than by private individuals, and, with this object in view, the Municipality of the City of Newcastle is about to enter into arrangements with electricians for the lighting of the city with that illuminant at a cost of some £9,000 or £10,000. The Borough of Lambton has, with commendable zeal and enterprise, entered into the question of electric lighting, and accepted a tender from Messrs. Kingsbury & Co., amounting to about £7,000. This district has at its own cost erected one of the most efficient and perfect gasworks to be found in any part of these colonies, at a cost of about £7,000. The Municipalities of Wallsend and Plattsburg, both large mining centres, are supplied with gas from a private company, whose arrangements for the lighting of street lamps are reciprocally entered into, and discharged and carried out with advantage to both. Other large centres of population, viz. :—New Lambton, Wickham, Stockton, Hamilton, and Adamstown have in contemplation various schemes of their own for the lighting of their boroughs under the above referred-to Municipal Gas Act, 48 Victoria No. 20.

4. That your Petitioners most respectfully submit that the powers now sought for under the Bill submitted to Parliament are for speculative purposes only, and not for public requirements, and that the granting of any such powers as those asked for in the proposed Bill would be an unusual precedent in law, and one that would conflict to an alarming and dangerous extent should the proposals submitted in the Bill at any time be established.

5. That your Petitioners are certain that very great hardships indeed would be entailed upon residents of this district were such a proposal to be adopted, granting the Newcastle Gas Company power to supply electric light to this district beyond those they now possess.

6. That the experience of your Petitioners in this district is not of such a nature to warrant in any way the carrying out of the intended Bill, believing it to be a measure fraught with danger and difficulty to the residents generally, and not likely to work well, but rather to hamper the operations of your Petitioners.

7. That your Petitioners regard the principles embodied in the said Bill as totally devoid of finality, and, if successful in this issue, may be extended to other large growing centres of population in the district, and in the end root out and destroy the paternal feelings of Municipal Government, and become antagonistic to same.

8. That your Petitioners fear that, should the principles contained in the said Bill obtain the approval of your Honorable House, the large sums borrowed by Municipal Councils mortgaging their assets for the purpose of producing light for the residents will be completely thrown away, and the efforts of the Councils made abortive.

9.

9. That such a measure is not likely, in the experience of your Petitioners, so far as the City Council is concerned, to be fraught with good results to the city and district, from the fact that the roads and streets are cut up unnecessarily, to the great detriment and expense of the ratepayers generally ; and the action of the said Company has been exceedingly arbitrary, unjust, and unfair in the laying of mains through the streets ; and your Petitioners strongly and respectfully urge that the extended privileges sought should rather be curtailed than extended, believing that the extended powers are not for the best interest of the city and municipalities concerned.

10. Your Petitioners therefore humbly pray that your Honorable House will be pleased either to reject the said Bill altogether, or to so amend it that no additional power may be given beyond those of its incorporation :—that it is simply and solely a Gas and Coke Company, and that any assent may be withheld to the aforesaid Bill until the various Municipal Councils in the district, acting in common and unanimously with your Petitioners, may be given leave to appear by counsel or attorney, by and through the respective Mayors in this district, before the Select Committee of your House, for the purpose of tendering such evidence, and to call such witnesses as may be desirable, and adduce such further evidence from the united Municipalities of this district, in the interest of your Petitioners and the residents generally, as your Petitioners are fully prepared and ready to depose whenever the time and circumstances permit.

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

The Mayor, Aldermen, and Council Clerk of the Municipal District of Merewether.

[*Here follow 10 signatures.*]

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CITY OF NEWCASTLE GAS AND COKE COMPANY'S ELECTRIC AND OTHER LIGHT BILL.

(PETITION FROM THOMAS MITCHELL, MAYOR OF PLATTSBURG, AGAINST PASSING OF.)

Received by the Legislative Assembly, 27 May, 1890.

To the Honorable the Speaker and Members of the Legislative Assembly in Parliament assembled.

The humble Petition of the Mayor and Aldermen of the Municipal District of Plattsburg,—

RESPECTFULLY SHOWETH :—

1. That a Bill has been introduced into Parliament authorizing the City of Newcastle Gas and Coke Company to supply the City of Newcastle and suburbs with electricity or other illuminant, for lighting or other purposes, in addition to the powers granted under a private Act, 30 Victoria of 1866, for the manufacture and supply of gas.

2. That the granting of such a measure would not have a beneficial effect upon the residents of this district were such larger powers granted to the Newcastle Gas Company, but would be detrimental to their best endeavours and interests, and inimical to Municipal Boroughs generally, and in a great measure frustrate the powers incident in Municipal Government conferred by Statute, 48 Victoria No. 20, Municipal Gas Act, and amendment thereof, 50 Victoria No. 8, and conserve more to the private interest and aggrandisement of a private company, of private shareholders, instead of the public good.

3. That under the Act 48 Victoria No. 20, and Municipalities Act of 1873, the principle is asserted that the supply of light to boroughs generally can be more efficiently and advantageously carried out when dealt with by Municipal bodies than by private individuals, and, with this object in view, the Municipality of the City of Newcastle is about to enter into arrangements with electricians for the lighting of the City with that illuminant at a cost of some £9,000 or £10,000. The Borough of Lambton has, with commendable zeal and enterprise, entered into the question of electric lighting, and accepted a tender from Messrs. Kingsbury & Co., amounting to about £7,000. This district has at its own cost erected one of the most efficient and perfect gas works to be found in any part of these colonies, at a cost of about £7,000. The Municipalities of Wallsend and Plattsburg, both large mining centres, are supplied with gas from a private company, whose arrangements for the lighting of street lamps are reciprocally entered into, and discharged and carried out with advantage to both. Other large centres of population, viz. :—New Lambton, Wickham, Stockton, Hamilton, and Adamstown have in contemplation various schemes of their own for the lighting of their boroughs under the above referred to Municipal Gas Act, 48 Victoria No. 20.

4. That your Petitioners most respectfully submit that the powers now sought for under the Bill submitted to Parliament are for speculative purposes only, and not for public requirements, and that the granting of any such powers as those asked for in the proposed Bill would be an unusual precedent in law, and one that would conflict to an alarming and dangerous extent should the proposals submitted in the Bill at any time be established.

5. That your Petitioners are certain that very great hardships indeed would be entailed upon residents of this district were such a proposal to be adopted, granting the Newcastle Gas Company power to supply electric light to this district beyond those they now possess.

6. That the experience of your Petitioners in this district is not of such a nature to warrant in any way the carrying out of the intended Bill, believing it to be a measure fraught with danger and difficulty to the residents generally, and not likely to work well, but rather to hamper the operations of your Petitioners.

7. That your Petitioners regard the principles embodied in the said Bill as totally devoid of finality, and, if successful in this issue, may be extended to other large growing centres of population in the district, and in the end root out and destroy the paternal feelings of Municipal Government, and become antagonistic to same.

8. That your Petitioners fear that, should the principles contained in the said Bill obtain the approval of your Honorable House, the large sums borrowed by Municipal Councils mortgaging their assets for the purpose of producing light for the residents will be completely thrown away, and the efforts of the Councils made abortive.

9.

9. That such a measure is not likely, in the experience of your Petitioners, so far as the City Council is concerned, to be fraught with good results to the city and district, from the fact that the roads and streets are cut up unnecessarily, to the great detriment and expense of the ratepayers generally; and the action of the said Company has been exceedingly arbitrary, unjust, and unfair in the laying of mains through the streets; and your Petitioners strongly and respectfully urge that the extended privileges sought should rather be curtailed than extended, believing that the extended powers are not for the best interest of the city and municipalities concerned.

10. Your Petitioners therefore humbly pray that your Honorable House will be pleased either to reject the said Bill altogether, or to so amend it that no additional power may be given beyond those of its incorporation;—that it is simply and solely a Gas and Coke Company, and that any assent may be withheld to the aforesaid Bill until the various Municipal Councils in the district, acting in common and unanimously with your Petitioners, may be given leave to appear by counsel or attorney, by and through the respective Mayors in this district, before the Select Committee of your House, for the purpose of tendering such evidence, and to call such witnesses as may be desirable, and adduce such further evidence from the united Municipalities of this district, in the interest of your Petitioners and the residents generally, as your Petitioners are fully prepared and ready to depose whenever the time and circumstances permit.

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

The Mayor, Aldermen, and Council Clerk of the Municipal District of Plattsburg.

[*Here follow 9 signatures.*]

Similar Petitions were received:—

27th May, 1890, from Mayor and Aldermen of the Municipality of Newcastle; 12 signatures.

Do. from Mayor and Aldermen of the Municipality of New Lambton; 10 signatures.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

**CITY OF NEWCASTLE GAS AND COKE COMPANY'S
ELECTRIC AND OTHER LIGHT BILL.**

(PETITION FROM A. H. CLAPUR, MAYOR OF WARATAH, AGAINST PASSING OF.)

Received by the Legislative Assembly, 21 May, 1890.

To the Honorable the Speaker and Members of the Legislative Assembly in Parliament assembled.
The humble Petition of the Mayor and Aldermen of the Municipal District of Waratah,—

RESPECTFULLY SHOWETH:—

1. That a Bill has been introduced into Parliament authorizing the City of Newcastle Gas and Coke Company to supply the City of Newcastle and suburbs with electricity or other illuminant, for lighting or other purposes, in addition to the powers granted under a private Act, 30 Victoria of 1866, for the manufacture and supply of gas.

2. That the granting of such a measure would not have a beneficial effect upon the residents of this district were such larger powers granted to the Newcastle Gas Company, but would be detrimental to their best endeavours and interests, and inimical to Municipal Boroughs generally, and in a great measure frustrate the powers incident in Municipal Government conferred by Statute, 48 Victoria No. 20, Municipal Gas Act, and amendment thereof, 50 Victoria No. 8, and conserve more to the private interest and aggrandisement of a private company, of private shareholders, instead of the public good.

3. That under the Act 48 Victoria No. 20, and Municipalities Act of 1873, the principle is asserted that the supply of light to boroughs generally can be more efficiently and advantageously carried out when dealt with by Municipal bodies than by private individuals, and, with this object in view, the Municipality of the City of Newcastle is about to enter into arrangements with electricians for the lighting of the City with that illuminant at a cost of some £9,000 or £10,000. The Borough of Lambton has, with commendable zeal and enterprise, entered into the question of electric lighting, and accepted a tender from Messrs. Kingsbury & Co., amounting to about £7,000. This district has at its own cost erected one of the most efficient and perfect gas works to be found in any part of these colonies, at a cost of about £7,000. The Municipalities of Wallsend and Platsburg, both large mining centres, are supplied with gas from a private company, whose arrangements for the lighting of street lamps are reciprocally entered into, and discharged and carried out with advantage to both. Other large centres of population, viz.:—New Lambton, Wickham, Stockton, Hamilton, and Adamstown have in contemplation various schemes of their own for the lighting of their boroughs under the above referred to Municipal Gas Act, 48 Victoria No. 20.

4. That your Petitioners most respectfully submit that the powers now sought for under the Bill submitted to Parliament are for speculative purposes only, and not for public requirements, and that the granting of any such powers as those asked for in the proposed Bill would be an unusual precedent in law, and one that would conflict to an alarming and dangerous extent should the proposals submitted in the Bill at any time be established.

5. That your Petitioners are certain that very great hardships indeed would be entailed upon residents of this district were such a proposal to be adopted, granting the Newcastle Gas Company power to supply electric light to this district beyond those they now possess.

6. That the experience of your Petitioners in this district is not of such a nature to warrant in any way the carrying out of the intended Bill, believing it to be a measure fraught with danger and difficulty to the residents generally, and not likely to work well, but rather to hamper the operations of your Petitioners.

7. That your Petitioners regard the principles embodied in the said Bill as totally devoid of finality, and, if successful in this issue, may be extended to other large growing centres of population in the district, and in the end root out and destroy the paternal feelings of Municipal Government, and become antagonistic to same.

8. That your Petitioners fear that, should the principles contained in the said Bill obtain the approval of your Honorable House, the large sums borrowed by Municipal Councils mortgaging their assets for the purpose of producing light for the residents will be completely thrown away, and the efforts of the Councils made abortive.

9.

9. That such a measure is not likely, in the experience of your Petitioners, so far as the City Council is concerned, to be fraught with good results to the city and district, from the fact that the roads and streets are cut up unnecessarily, to the great detriment and expense of the ratepayers generally; and the action of the said Company has been exceedingly arbitrary, unjust, and unfair in the laying of mains through the streets; and your Petitioners strongly and respectfully urge that the extended privileges sought should rather be curtailed than extended, believing that the extended powers are not for the best interest of the city and municipalities concerned.

10. Your Petitioners therefore humbly pray that your Honorable House will be pleased either to reject the said Bill altogether, or to so amend it that no additional power may be given beyond those of its incorporation;—that it is simply and solely a Gas and Coke Company, and that any assent may be withheld to the aforesaid Bill until the various Municipal Councils in the district, acting in common and unanimously with your Petitioners, may be given leave to appear by counsel or attorney, by and through the respective Mayors in this district, before the Select Committee of your House, for the purpose of tendering such evidence, and to call such witnesses as may be desirable, and adduce such further evidence from the united Municipalities of this district, in the interest of your Petitioners and the residents generally, as your Petitioners are fully prepared and ready to depose whenever the time and circumstances permit.

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

The Mayor, Aldermen, and Council Clerk of the Municipal District of Waratah.

[Here follow 10 signatures.]

Similar Petitions were received:—

- 21st May, 1890, from Mayor and Aldermen of the Municipality of Adamstown; 10 signatures.
 Do. from Mayor and Aldermen of the Municipal District of Hamilton; 8 signatures.
 Do. from Mayor and Aldermen of the Municipality of Carrington; 10 signatures.
 Do. from Mayor and Aldermen of the Municipality of Wallsend; 10 signatures.
 Do. from Mayor and Aldermen of the Borough of Stockton; 10 signatures.

1890.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

GOULBURN WATER SUPPLY CHARGES BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE,

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
5 *June*, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

—
1890.

1890.

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.**

VOTES No. 11. WEDNESDAY, 21 MAY, 1890.

8. GOULBURN WATER SUPPLY CHARGES BILL (*Formal Motion*):—*Mr. Ritchie*, for *Mr. Teece*, moved, pursuant to Notice,—
- (1.) That the Goulburn Water Supply Charges Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of *Mr. Barbour*, *Mr. Gormly*, *Mr. Perry*, *Mr. Paul*, *Mr. Plumb*, *Mr. Stevenson*, and the Mover.
- Question put and passed.
-

VOTES No. 18. THURSDAY, 5 JUNE, 1890.

4. GOULBURN WATER SUPPLY CHARGES BILL:—*Mr. Teece*, as Chairman, brought up the report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 21st May, 1890, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.

** * * * * *

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1890.

GOULBURN WATER SUPPLY CHARGES BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on 21st May, 1890, the "*Goulburn Water Supply Charges Bill*,"—beg to report to your Honorable House:—

That they have examined the witness named in the margin* (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

*Augustine Matthew Betts, Esq.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

WILLIAM TEECE,

Chairman.

No. 3 Committee Room,

Sydney, 5 June, 1890.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 5 JUNE, 1890.

MEMBERS PRESENT :—

Mr. Teece, | Mr. Perry,
 | Mr. Stevenson.

Mr. Teece called to the Chair.

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

Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

Present :—Augustine Matthew Betts, Esq. (*Solicitor for the Bill*).

Augustine Matthew Betts, Esq., sworn and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 and 2 read and *agreed* to.

Title read and *agreed* to.

Chairman to report the Bill without amendment to the House.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

GOULBURN WATER SUPPLY CHARGES BILL.

THURSDAY, 5 JUNE, 1890.

Present:—

MR. PERRY. | MR. TEECE.
MR. STEVENSON.

WILLIAM TEECE, Esq., IN THE CHAIR.

A. M. Betts, Esq., appeared as Solicitor for the Bill.

Augustine Matthew Betts, Esq., sworn and examined:—

1. *Chairman.*] You are the solicitor for the Bill? I am.
2. You are likewise the solicitor for the Municipal Council of Goulburn? Yes.
3. You have had all to do with the details of the measure? I have.
4. Has the Bill been approved of by the Municipal Council? The draft of the Bill was submitted to the Council and approved of by them.
5. And a petition was presented to Parliament under the corporate seal of the Borough? Yes.
6. The Municipal Council framed their by-laws partly under section 176 of the Municipalities Act? They did.
7. In what way has that Act been repealed? It has been repealed by the second section of the Act, 44 Victoria No. 14, known as the Country Towns Water Supply and Sewerage Act.
8. Under that Act the Government construct the works I believe? Under that Act there are two modes provided, namely, by either the Council or the Government. In the case of the Goulburn Borough the Government undertook the work and carried it out.
9. Section 166 of the Municipalities Act can only refer to waterworks constructed by municipalities? Yes.
10. Under that section you have made part of your by-laws? I have.
11. Will you state briefly in what way doubts have been expressed as to the power of the borough to recover these rates? I refer the Committee to by-law 143 of the Goulburn municipality, sub-clause 3, which provides that the water rates are to be paid at the rate of 5s. per room. There is no other method provided of determining the amount of rate except at per room. But under the Act under which the waterworks were constructed, 44 Victoria No. 14, section 13, there are two methods provided, viz., by measurement and by a rate according to the assessed value of the properties; there is no other method by which the rate is to be determined. Consequently if we seek now to recover our rates which are fixed under this by-law at so much per hour, we shall be met with this Act which states that assessing by room is neither by measurement nor by a rate on the assessed value.
12. You merely propose to recover the rates under the by-laws framed in accordance with the Act under which the waterworks were constructed? It is not that exactly; we seek to recover these rates as if the by-laws had been made under that Act.
13. The only Act under which you could frame the by-laws? Yes; because the second section says that all the sections in the Municipalities Act which are inconsistent with the latter Act are repealed.
14. Have you heard of any objections to the Bill? I have heard of no objection whatever. The notice of intention to apply for the Bill was published for four consecutive weeks in the three Goulburn newspapers, and there has been no objection of any kind that I have heard of.
15. There has been a large amount of expenditure incurred, and for that indebtedness the municipality is responsible? Yes.

A. M. Betts,
Esq.

5 June, 1890.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

HAY AND DENILIQVIN TRAMWAY BILL,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
13 *November*, 1890.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 64. TUESDAY, 23 SEPTEMBER, 1890.

9. HAY AND DENILQUIN TRAMWAY BILL (*Formal Motion*):—Mr. R. B. Wilkinson moved, pursuant to Notice,—
- (1.) That the Hay and Deniliquin Tramway Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Bruce Smith, Mr. Lakeman, Mr. Street, Mr. Gormly, Mr. Chanter, Mr. J. P. Abbott, Mr. Black, Mr. Greene, and the Mover.
- Question put and passed.
-

VOTES No. 87. THURSDAY, 13 NOVEMBER, 1890.

7. HAY AND DENILQUIN TRAMWAY BILL:—Mr. R. B. Wilkinson, as Chairman brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Select Committee for whose consideration and report this Bill was referred on 23rd September, 1890; together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890.

HAY AND DENILIQVIN TRAMWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 23rd September, 1890, the "*Hay and Deniliquin Tramway Bill*," beg to report to your Honorable House :—

That they have examined the witnesses named in the list* (whose * See list, page 4. evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedules of the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

ROBT. B. WILKINSON,
Chairman.

No. 3 Committee Room,
Sydney, 13 November, 1890.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 29 OCTOBER, 1890.

MEMBERS PRESENT:—

Mr. R. B. Wilkinson,	|	Mr. Street,
Mr. Black,	|	Mr. Gormly,
	|	Mr. Lakeman.

Mr. Wilkinson called to the Chair.

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

Printed copies of the Bill *referred*, together with original Petition to introduce the same, before the Committee.

[Adjourned to Wednesday next, at *Two* o'clock.]

WEDNESDAY, 12 NOVEMBER 1890.

MEMBERS PRESENT:—

Mr. R. B. Wilkinson in the Chair.		
Mr. Gormly,	|	Mr. Greene,
Mr. Chanter,	|	Mr. Black,
	|	Mr. Lakeman.

Present:—Thomas Robertson, Esq. (*Solicitor for the Bill*).

John Witcombe called in, sworn, and examined.

Witness withdrew.

Henry Deane, Esq. (*Acting Engineer-in-Chief for Railways*) called in, sworn, and examined.

Witness withdrew.

Thomas Robertson, Esq., sworn and examined.

Committee deliberated.

[Adjourned till to-morrow, at *Three* o'clock.]

THURSDAY, 13 NOVEMBER, 1890.

MEMBERS PRESENT:—

Mr. R. B. Wilkinson in the Chair.		
Mr. Greene,	|	Mr. Gormly,
	|	Mr. Lakeman.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1 to 7 inclusive read and *agreed* to.

Clause 8 read, amended, and *agreed* to.

Clauses 9 to 56 read and *agreed* to.

Schedules read and *agreed* to.

Title read and *agreed* to.

Chairman to report the Bill with amendments to the House.

SCHEDULE OF AMENDMENTS.

Page 3, clause 8, line 37. *Omit* “Commissioner,” *insert* “Engineer-in-Chief.”

Page 3, clause 8, line 41. *Omit* “in fee simple.”

Page 3, clause 8. *Add* at end of clause, “And the said Fitzwilliam Wentworth, Henry Hill, John Witcombe, Alexander Pentleton Stewart, and Thomas Robertson, their heirs, executors, administrators, and assigns, shall pay to the Crown such annual rent, not exceeding “two shillings per acre, for such Crown Lands, as the Minister for Lands may direct.”

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1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

HAY TO DENILIQVIN TRAMWAY BILL.

WEDNESDAY, 12 NOVEMBER, 1890.

Present:—

MR. R. B. WILKINSON,
MR. GREENE,
MR. LAKEMAN,MR. BLACK,
MR. GORMLY,
MR. CHANTER.

R. B. WILKINSON, Esq., IN THE CHAIR.

Mr. Thomas Robertson appeared as Solicitor for the Bill.

John Witcombe called in, sworn, and examined:—

1. *Chairman.*] You are one of the parties seeking for permission to construct this tramway? Yes.
2. Do you represent the other parties named in the Bill? Yes; they have asked me to come.
3. You know the road between Hay and Deniliquin? Yes.
4. What is the distance between the two places? We call it 80 miles—I think it is from 75 to 80 miles.
5. What traffic is there between the two places? There is a considerable coach traffic, and a very large stock traffic—sheep and cattle.
6. What is the road like, is it formed? No. There has been a little money spent in throwing up embankments which are of no use, and never can be of any use. In winter the road is almost impassable, owing to the mud, and the coach is seldom less than from six to twelve hours late.
7. How with regard to heavy teams? They are a long time on the road. They scarcely ever come to Hay now, but they used to come.
8. What has made the change? It is cheaper to get goods from Melbourne round by Sydney—getting them from Sydney by train—than carrying them across the Old Man Plains. A high price is charged in both winter and summer, because in winter the roads are impassable, and in summer there is no feed. When the river is up steamers go round from Echuca, and bring stuff to Hay.
9. It is said in the preamble of the Bill that there is no stone of any description within 100 miles, and that burnt clay is the only material that a road can be made of? That is true. There is no stone between Sandhurst and Hillston. Stone of any value could only be got 40 miles above. It is 100 miles from Hay to Narrandera where there is stone.
10. At what do you estimate the cost of making the road? You could not make a decent road for less than £3,500 a mile, and that would not be a really good road.
11. I suppose it would require constant repairs? The road would cost a good deal in repairs, because heavy teams going over it in bad weather would cut it up.
12. Some sort of metal road is necessary for the traffic? Yes.
13. You must have either a railway or a good road? Yes. I do not think that a good road would meet the requirements of the traffic, and it would cost twice as much as the railway.
14. How long have you been living in the neighbourhood of Hay? About twenty-two years.
15. *Mr. Lakeman.*] I suppose that if Parliament passed this Bill there is no doubt that the railway would be made? Yes; it would certainly be made if we had power to make it.
16. You, who are applying for this Bill, are sure to make the railway if the Bill is passed? Yes.

Mr. J.
Witcombe.
12 Nov., 1890.

Mr.
J. Witcombe.
12 Nov., 1890.

17. What are the chief requirements for a railway at Hay;—what is it particularly wanted for? For taking stock to the Victorian markets—that is really what we want it for. The road across the Old Man Plains is impassable in the summer time, because there is no feed. If any one were to drive a flock of sheep across those plains in summer the probability is that he would lose two-thirds of them. I may mention that 40,000 sheep came down to Hay during the drought about two years ago and they could not go across the Old Man Plains, so they started on the road to Booligal. I think that about 35,000 of those sheep died between Hay and Booligal, and the man in charge of them died. If the railway was made it would not only be useful for carrying live stock to market but we could also send meat to market. Meat killed at Hay in the evening could be served out for breakfast at Melbourne in the morning. Had the railway been made long ago it would have saved the lives of millions of sheep. During the droughts there was no food in the Hay district, and if the sheep could have been sent away to the border or into Victoria their lives would have been saved.
18. Does the present railway answer the purpose of taking the stock away? No, it goes in the wrong direction. To send stock to Melbourne by the present railway would take two days, besides involving retrucking at Albury.
19. Then the sheep that would be sent away for grass would go to Melbourne? No; when we have a drought there is generally plenty of grass in the mountain country.
20. They would not have to go as far as Melbourne? Generally, they would not have to cross the Murray—we could take them somewhere where they could get grass.
21. *Chairman.*] How far is it by steamer? I do not know exactly, but we call it about 700 miles from Hay to Echuca.
22. A great deal of wool goes that way, does it not? Yes. In 1887, 372,205 sheep went across the bridge at Hay into Victoria; in 1888, there were 533,113 sheep; in 1889, there were 304,268. Of course, we don't know what has gone this year. In 1888, there were 3,680 cattle—they, of course, swam the river instead of crossing by the bridge; there were 484 horses; in 1889, there were 23,256 cattle and 632 horses.
23. Can you give the number of bales of wool that went? In 1888-9 about 19,398 bales of wool went by river from Hay, but a good many bales were shipped below Hay.
24. *Mr. Lakeman.*] As many as went from Hay? I daresay there would be.
25. What we want is the number of bales of wool which would be likely to go by rail? What I have stated are the numbers that went by steamer from the stations back from Hay. I do not think that much above Hay would go. In 1889 there were 22,479 bales sent by river. The quantity sent by train has fallen off. In 1885 it was 7,481 bales, in 1887 the quantity was 3,452 bales, in 1888 it was 6,531 bales, in 1889-90 2,648 bales.
26. Is that large number of bales likely to make use of this railway? I think that it would all go by the railway.
27. Is there any settlement between Hay and Deniliquin? Yes. There are a large number of selections along that line, and there would be a great deal more settlement if this line were made.
28. Are there townships at Boooroban and Wanganilla? Yes.
29. Both of which are large selection centres? Yes. There are selections all along the route.
30. And would a quantity of wool equal to that sent from Hay be picked up along the line? There would be a large quantity picked up along the line.
31. Is there any opposition to the Bill in the district? I have not heard any one oppose it. Every one I have met desires that it should be made. We think that it will increase the value of the district by at any rate 30 per cent.
32. Have you heard of any opposition to the railway on the part of those through whose land the line would go? I have not met them personally, but the owners have stated that they would give the land for the line where it passes through their property.
33. There is a general feeling then that the railway will be a benefit to the district? Yes, I think so—everybody is in favour of it.
34. *Chairman.*] Is there not a good deal of farming about Deniliquin? Yes.
35. Is it likely that the produce will be brought to Hay and sold there if direct means of communication are provided? Yes; one season, about three years ago, I arranged to deliver 40 tons of flour at Deniliquin, but was unable to carry out my contract because I could not get the stuff over the road.
36. *Mr. Lakeman.*] Is there not a lot of produce used at Hay which comes from Victoria? Yes; and Cobb & Co. bring produce from Parracoota.
37. If there was a railway, don't you think that the produce would be grown about Deniliquin and Moama, and sent up by the direct route? I think so.
38. *Mr. Chanter.*] Have you any idea of the quantity of Victorian produce taken to Hay by the river? No.
39. *Mr. Lakeman.*] There are considerable quantities, are there not? I have seen thousands of tons of hay there from Victoria.
40. *Chairman.*] There is a very large district at the back, is there not, that would be supplied—Booligal, Hillston, and Oxley? Yes.
41. *Mr. Lakeman.*] The proposed line would bring the produce down from the border of Victoria for distribution in that part of the country? Yes.
42. You think that this particular railway would benefit the Hay district to a very great extent? I am sure of that, it would give us an outlet for our stock.
43. *Mr. Chanter.*] Do you think that the construction of the line would interfere to a serious extent with the traffic from Hay to Sydney? I daresay it would take a little from that end, but I do not think it would decrease the amount of the traffic on the railway. I think that the traffic to the railway would be increased.
44. You think that that would more than compensate for the traffic which would be taken away? Yes.
45. *Chairman.*] A great deal of produce would come up from Hay and go up the river? A little; not a large quantity, because they get feed from Wagga Wagga down that way.
46. There is a line in contemplation between Deniliquin and Jerilderie; would this line interfere with the traffic on that railway—would it take any of the wool that would go that way? Not any. That line would be totally independent of this.
47. The two would not come into conflict? No; if this Bill were passed I should say "let them make the other line, they want it,"

48. *Mr. Chanter.*] Do you think that the construction of the line would lead to increased production along the route? Yes.
49. The land is of that character that it could be used for agricultural purposes? Yes, in a fit season. At present they have no means of getting their produce away. If they grow a lot of hay in a good season, it has to wait until there is a bad season, and the price is exorbitant before it will pay them to send it away.
50. Do you know the growth of hay per acre in that district? I think it is about 30 cwt. to the acre in a fair season—in some places a great deal more.
51. Is that on the line between Deniliquin and Hay? Yes.
52. The channel in connection with the water conservation scheme goes midway between the two points? Yes.
53. Do you think that if the proposed line were constructed, and irrigation commenced, that district between these two points would be able to produce sufficient without any importation from Victoria? I am quite sure that it would be. With irrigation we could supply half the Colony. We can grow anything there if we have water.
54. Have you had any experience of fruit-growing in that part? Yes, on a small scale.
55. Sufficient to demonstrate the capabilities of the district? I have no knowledge of how to carry on fruit-growing, but I can grow as fine fruit in that district as I find in any markets—as good as any that you can find in the world.
56. Do you find that the fruit comes much earlier in the season than it does in the colder districts or about the coast? Very much earlier.
57. Do you think that the construction of the railway would encourage the production of fruit for the Sydney as well as the Melbourne market? Yes. Fruit in Victoria is not so early as at Sydney.
58. But in the district in which it is proposed to make this line, the fruit is earlier than it is in Sydney? Yes, and six weeks earlier than in Melbourne.
59. Do you know the Moonee Gardens on the Edwards River? I do not; but the proprietor brings fruit to Hay for sale in the season—he opened a shop there.
60. Is it good fruit? It is very fine.
61. Are you aware that that fruit has taken first prizes in Sydney and Melbourne for several successive years? I did not know that.
62. *Chairman.*] As regards the route of the line in wet seasons, it is a regular bog—almost impassable, and in dry seasons teamsters have to buy feed along the route? Yes.
63. *Mr. Chanter.*] Do you think that the tolls proposed in the Bill would be satisfactory to the residents of the district? I think so.
64. Have you heard any complaint that they are too high? No, I have not.
65. The people in that district would consider it an advantage to get the line and to pay the tolls fixed by the Bill? Yes, but of course the people would rather pay as low tolls as possible, lower tolls if it were possible to get them.
66. If the trade did not warrant any reduction of the tolls the people would be satisfied to pay those provided for in the Bill? Yes. They pay the coach fare now, which is 30s., and the coach takes about thirteen and a half hours to run from Deniliquin to Hay, but a tram would run through in two and a half hours.
67. I suppose that the railway would be sufficiently heavy to carry a heavy motor or a locomotive if required? That is our intention. We presume that the Government would compel us to have it so; no doubt they would look after the safety of the public.
68. You call it a tramway, but it is synonymous with light railways? I cannot see the difference myself. A light railway or a heavy tramway would meet the requirements of the district for many years. We, who are interested either directly or indirectly in chief, think that the line ought to be carried out in the interests of humanity if for nothing else. Anyone would think so if they saw the sheep dying, which might be kept alive if they could be removed.
69. Would you in time of drought remove the sheep to the mountains? We should remove them to the Murray River or to some part of Victoria. It generally happens that there is plenty feed in the Murray district when we have none.
70. It would not be possible to transport the sheep without a railway? It would be impossible.
71. *Chairman.*] I believe that in the drought of 1883 and 1884 about a million sheep died in the Hay and Deniliquin districts? More than that. Quite that number died in the Hay district alone, and had there been a railway most of them could have been saved.
72. *Mr. Chanter.*] What do you estimate were the value of those sheep? Seven shillings each. They send away the best from the stations and let the others die.
73. Then you think that the value of those sheep, which might have been saved had there been a railway, would be £600,000? —
74. Have you ever heard objections to the line from any source? No one objects to it. I heard one man object to the line once, and he said, "Oh, you want to make money out of it." I replied, "Pay me back what I have paid and I will turn the matter over to you." Since then he has written in favour of the line several times.

Henry Deane, called in, sworn, and examined:—

75. *Chairman*] Do you represent the Railway Department? I am Acting Engineer-in-Chief for railways.
76. I believe you wish to make some suggestion with regard to the Bill? Yes. In my official capacity I have had no instructions on the matter from the Minister for Public Works, although I have reported to him what I intended to do. In the first place I wish to point out that this line will be practically a railway. If such a line is called a tramway, there is no difference between a railway and a tramway. It appears to me undesirable that power should be given to a private company to construct a railway or a tramway through such an important district. I do not know what the views of the Government may be, but I would point out that the Public Works examiners are reporting upon a proposed railway extension in that district, and on their report will depend what the Government decide to do in the matter. Supposing that the principle of the Bill is accepted, there are three clauses which in my opinion, should be modified. Clause 3 says—"that the gauge of the tramway shall not be less than 3 feet 6 in." But I consider that the gauge should be fixed at 4 feet 8½ inches.

Mr.
Henry Deane.
12 Nov., 1890.

Mr. Henry Deane. 77. What is your reason for that? That is the standard gauge of this Colony. I think that the clause as it stands is particularly objectionable, because it would allow the promoters or owners of this tramway immediately they start the work to alter the gauge from 3 feet 6 inches, to 5 feet 3 inches, and bring it into connection with the Victorian system.

12 Nov., 1890.

78. *Mr. Chanter.*] Do you think that they will have power to do that without the consent of the Executive Council? Yes; the clause says:—"The gauge of the said tramway shall not be less than 3 feet 6 inches." They may make it anything they like over that.

79. *Chairman.*] But then the clause says:—"Provided that the Governor, with the advice of the Executive Council, may compel the owners of the said tramway to alter the said gauge, either for the whole or a portion of the said tramway, whenever it shall be expedient for him so to do?" Yes, the Governor has power to do that, but it is doubtful whether he would exercise that power.

80. *Mr. Lakeman.*] The Governor would exercise that power if the Ministry thought it desirable? But suppose they put down a gauge of 5 feet 3 inches, it might seem rather arbitrary to compel the company to alter it afterwards.

81. Not necessarily, if it was thought requisite in the public interest to join the line to our railway system? Then they would have to pay for the alteration.

82. *Chairman.*] We may compel the owners to do it? That means expense, which the Government, if they resumed the line, would have to pay in one form or another. It would take away from the profits of the line.

83. Your main objection to that clause is that it gives power to the promoters to connect their line with the Victorian line? Yes, that is my objection. I would also draw attention to clause 8. This clause seems to be a transcript from the old Act. It says:—"Upon the completion of the tramway works authorised by this Act to the satisfaction of the Commissioner for Railways." Instead of "Commissioner for Railways," it should be "Engineer-in-Chief for Railways." I would suggest that that clause should read in this way:—"The tramway shall not be open for traffic until a certificate has been given by the Engineer-in-Chief for Railways, stating that the work has been carried out to his satisfaction." And second:—"That the owners shall pay as was agreed to in the case of the Tarrangingee Bill, such annual rent not exceeding 2s. an acre for all Crown land passed over by the tramway, as the Minister for Lands may direct." I have traced the course of the tramway on the map, and I find that it runs for the greater part of its length over railway reserves. Clause 33 only allows the line to be purchased by the Government after the expiration of twenty-one years, and it makes the minimum sum of the purchase money twenty-one years net profits. In the Tarrangingee Tramway Bill this clause was inserted:—"At any time the Governor, with the advice of the Executive Council, may, if he think fit, purchase such tramway upon giving to the said James Smith Reid, his heirs, executors, administrators, and assigns, three months' notice, in writing, of his intention to do so. If the amount tendered for the purchase of the property be considered inadequate by the said James Smith Reid, his heirs, executors, administrators, and assigns, the amounts shall be ascertained by assessment in terms of the 'Public Lands Acquisition Act.'" I would suggest that a clause of that nature be substituted for clause 33 of this Bill. In any case twenty-one years is rather a long time. I would also recommend that the time should be stated within which the work must be commenced.

84. *Mr. Chanter.*] Are not some of the rails laid on the tramways in Sydney as heavy as those on light railways? They use the heaviest rails on the main tram lines.

85. They find it the best to have heavy rails? Light rails are always objectionable.

Thomas Robertson called in, sworn, and examined:—

Mr. T. Robertson. 86. *Chairman.*] What are you? I am a solicitor residing at Hay.

87. Does the proposed line run partly through private property? Yes.

88. Is there any objection on the part of the owners of the property to the construction of the line? No. All the proprietors that I have met with have expressed considerable anxiety to see a tramway or railway constructed.

12 Nov., 1890.

89. Do you know the whole district intimately? I have known the district thoroughly since 1858.

90. And this line, if constructed, would be a very great advantage to the inhabitants of the district? I have not the slightest doubt of it.

91. For the districts of Hay and Deniliquin? It would be the greatest possible boon.

92. You were present when Mr. Witcombe gave his evidence. Do you corroborate what he said? Yes, only I think he under-estimated the sheep traffic. During the last three or four years we have had good seasons. When they had a drought in Victoria our district beyond Hay would have afforded an enormous market for Victorian sheep, but they could not get them across the Old Man Plains. It generally happens that when we have a drought they have a good season in Victoria, and *vice versa*.

93. If the railway was constructed there would be a change of stock? Yes.

94. Otherwise you corroborate everything that was said by Mr. Witcombe? Yes.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

HAY ATHENÆUM TRUSTEES ENABLING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
19 December, 1890.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 110. THURSDAY, 18 DECEMBER, 1890.

4. HAY ATHENÆUM TRUSTEES ENABLING BILL (*Formal Motion*):—Mr. Lakeman moved, pursuant to Notice,—
- (1.) That the Hay Athenæum Trustees Enabling Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Carruthers, Mr. Gormly, Mr. Barbour, Mr. Perry, Mr. Curley, Mr. R. B. Wilkinson, Mr. Stevenson, Mr. Waddell, and the Mover.
- Question put and passed.
-

VOTES No. 111. FRIDAY, 19 DECEMBER, 1890.

13. HAY ATHENÆUM TRUSTEES ENABLING BILL.—Mr. Perry, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 18th December, 1890; together with a copy of the Bill, as agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890.

HAY ATHENÆUM TRUSTEES ENABLING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 18th December, 1890, the "*Hay Athenæum Trustees Enabling Bill*,"—beg to report to your Honorable House:—

That they have examined the witness* named in the margin (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill as agreed to by them.

JOHN PERRY,
Chairman.

No. 3 Committee Room,
Sydney, 19th December, 1890.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 19 DECEMBER, 1890.

MEMBERS PRESENT :—

Mr. Lakeman,	|	Mr Barbour,
Mr. Perry,	|	Mr. Curley,
	|	Mr. R. B. Wilkinson.

Mr. Perry called to the Chair.

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

Printed copies of the Bill *referred*, together with original petition to introduce the same, before the Committee.

Allen Lakeman, Esq., M.L.A. (a member of the Committee), sworn and examined in his place.

Preamble considered.

Question—"That this Preamble stand part of the Bill," put and passed.

Clauses 1 and 2 read and agreed to.

Schedule read and agreed to.

Title read and agreed to.

Chairman to report the Bill, without amendment, to the House.

WITNESS.

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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

HAY ATHENÆUM TRUSTEES ENABLING BILL.

FRIDAY, 19 NOVEMBER, 1890.

Present:—

MR. LAKEMAN,	MR. BARBOUR,
MR. PERRY,	MR. CURLEY,
MR. R. B. WILKINSON.	

J. PERRY, ESQ., IN THE CHAIR.

Allen Lakeman, Esq., M.P., sworn in his place and examined:—

1. *Chairman.*] Will you please explain the objects of the Bill? Yes. The Trustees of the Hay Athenæum are Alexander Pentleton Stewart, Thomas Robertson, and William Travis, and they are possessed of that parcel of land situated in the town of Hay described in the Schedule of the Bill. At a meeting held at Hay of the subscribers of the Hay Athenæum it was unanimously resolved that the present buildings were not suitable for the requirements of the institution, and needed a sum of money to add to and repair them, and that authority should be asked from Parliament to enable the Trustees to borrow money on mortgage of the lands held by them in trust to carry out such additions and repairs. The Bill is a *fac-simile* of the Grafton School of Arts Enabling Bill. A. Lakeman,
Esq., M.P.
19 Nov., 1890.
2. *Mr. Curley.*] Was the meeting alluded to at Hay duly advertised? Yes; for a month in two local papers.

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ILLAWARRA HARBOUR AND LAND CORPORATION BILL.

(PETITION FROM RESIDENTS OF COUNTY OF CAMDEN IN FAVOUR OF).

Received by the Legislative Assembly, 8 May, 1890.

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

The Petition of the undersigned persons interested in the development of the coal and other
resources within that part of the County of Camden which lies westerly of Lake
Illawarra,—

HUMBLY SHOWETH :—

That a Bill, intituled "A Bill to empower the Illawarra Harbour and Land Corporation (Limited) to form and maintain an entrance and passage between the South Pacific Ocean and the waters of Lake Illawarra, in the county of Camden, and to construct, use, maintain, and in certain respects control and regulate a harbour within the waters of the said lake and of Windang Bay, in the said county of Camden; and to make, establish, maintain, and control wharfage and shipping accommodation in connection therewith; and to construct, work, use, and maintain a line or lines of railway to connect with the said harbour all or any coal-bearing lands situate between the South Coast Colliery on the north and the Macquarie River on the south; and to reclaim, purchase, take, occupy, and otherwise acquire land in certain cases, and on certain terms as to acquisition, compensation, payment, rent, investiture, and otherwise, and to levy, receive, and recover rates, tolls, and dues for the use of the said entrance, harbour, and accommodation, and for towage and fares, freights, and other charges for the use of the said railways; and to confer and impose upon the said Corporation certain powers, rights, duties, and liabilities; and to extend the rights of owners of the foreshores of the said lake, and for other purposes," has been submitted by the Illawarra Harbour and Land Corporation to your Honorable House.

That your Petitioners believe that the granting of the concessions described in such Bill will lead to the establishment of harbour accommodation and the erection and maintenance of lines of railway, opening up the coal district mainly owned by us.

That such development will enable us to mine the proved coal deposits over a vast area of country now idle, and to find market for the result of such development throughout the world.

That without the opening of a harbour at Lake Illawarra, such coal deposits will remain idle for many years.

Your Petitioners, therefore, humbly pray that your Honorable House will, during the current Session, proceed with the consideration of the Illawarra Harbour and Land Corporation Bill, and, in its wisdom, take such measures as will assist your Petitioners to develop the natural resources of the coal lands within the southern parts of the county of Camden.

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

[Here follow 28 signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ILLAWARRA HARBOUR AND LAND CORPORATION BILL.

(PETITION FROM CERTAIN INHABITANTS OF ILLAWARRA IN FAVOUR OF.)

Received by the Legislative Assembly, 22 July, 1890.

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

The Petition of the undersigned, Inhabitants of the District of Illawarra,—

HUMBLY SHOWETH :—

That a Bill intituled a Bill to empower the Illawarra Harbour and Land Corporation (Limited) to form and maintain an entrance and passage between the South Pacific Ocean and the waters of Lake Illawarra, in the county of Camden, and for other purposes, has been submitted by the Illawarra Harbour and Land Corporation to your Honorable House.

That a very large and important area of coal land exists in the district of Central Illawarra which at present has no outlet, and cannot, therefore, be profitably worked.

That your Petitioners believe that the granting of the concessions described in such Bill will lead to the establishment of harbour accommodation and the erection and maintenance of lines of railway, and that such development will not only open up the district of Central Illawarra, but provide facilities for shipping coal from that district.

That the facilities proposed to be afforded by the increased harbour accommodation at Wollongong would not enable the profitable shipment of coal from the properties adjacent to Lake Illawarra.

That the establishment of a harbour at Lake Illawarra for shipment of coal and other merchandise would contribute greatly to the prosperity of the district and to develop its natural resources.

That without the formation of a harbour at Lake Illawarra the coal lands adjacent to the lake will remain idle.

That such harbour would be a harbour of refuge to vessels in distress.

That the Bill provides that Her Majesty's vessels, or those belonging to the Government of New South Wales, vessels in distress, fishermen's boats, and pleasure boats be entitled to the free use of the harbour.

That the Bill, as amended and approved of by the Select Committee appointed by your Honorable House to report thereon, makes full provision for the preservation of public and private rights.

Your Petitioners therefore humbly pray that your Honorable House will during the current Session take such steps as may be deemed advisable to ensure the early passage of the Illawarra Harbour and Land Corporation Bill into law.

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

[*Here follow 1,493 signatures.*]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ILLAWARRA HARBOUR AND LAND CORPORATION BILL.
(PETITION FROM COMMISSIONERS OF WOLLONGONG HARBOUR TRUST AGAINST.)

Received by the Legislative Assembly, 2 July, 1890.

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

The humble Petition of the Commissioners of the Wollongong Harbour Trust,—

RESPECTFULLY SHOWETH:—

That a Bill has been introduced into Parliament to empower the Illawarra Harbour Land Corporation (Limited) to form and maintain an entrance and passage between the South Pacific Ocean and the waters of Lake Illawarra, in the county of Camden, and to confer and impose upon the said Corporation certain powers, rights, dues, and liabilities, and to extend the rights of owners of the foreshores of the said lake and for other purposes.

That your Petitioners most respectfully submit that this Trust, in view of the obligations and responsibilities imposed upon them in the Act under which the Wollongong Harbour Trust is being conducted, enter an emphatic protest against the Parliament granting to private and irresponsible persons the privilege of constructing a rival harbour in close proximity to Wollongong.

That your Petitioners would point out that the promoters of the Illawarra Harbour and Land Corporation Bill appear to have misrepresented to honorable Members the necessity for their proposed harbour, inasmuch as they entirely ignore the existence of the Port of Wollongong from which coal has been shipped in large quantities to foreign and intercolonial parts for the past twenty years. That during the years 1888 and 1889 the quantities of coal shipped from the said Port of Wollongong amounted to nearly one million tons.

That your Petitioners desire to state that the Commissioners have already expended considerable sums of money and entered into engagements for the expenditure of further large sums in carrying out the duties imposed upon them under the Wollongong Harbour Trust Act.

That your Petitioners beg to inform you that plans are already prepared for submission to Sir John Coode, C.E., for the extension of the Port of Wollongong, and that when such extensions are completed the shipping facilities will be sufficient for the requirements of the district for many years.

That your Petitioners submit that the depth of water in the proposed Lake Harbour will according to the Bill be only sufficient to carry a vessel drawing fifteen feet, which is very much less than in Wollongong Harbour at present, and which is proved to be inadequate for the existing class of ocean-going steamers and sailing vessels.

That your Petitioners also desire to inform you that large and important interests have accrued in Wollongong which would be seriously affected by granting the concessions asked for in the said Bill.

That your Petitioners respectfully submit that past experience has proved that alienating the foreshores of harbours and inlets on the coast has resulted in great loss to the community.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to reject the said Bill.

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

[Here follow 10 signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ILLAWARRA HARBOUR AND LAND CORPORATION BILL.
(PETITION FROM CERTAIN RESIDENTS OF WOLLONGONG AGAINST.)

Received by the Legislative Assembly, 16 July, 1890.

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

The humble Petition of the undersigned residents in the town of Wollongong and the Electorate
of Illawarra,—

RESPECTFULLY SHOWETH :—

That during its last Session Parliament passed an Act under which Commissioners were appointed, large and valuable endowments were granted, a sum of twenty-five thousand pounds (£25,000) was voted, payable in instalments of five thousand pounds annually, and further powers were conferred upon the said Commissioners to borrow a sum of two hundred and fifty thousand pounds (£250,000) for the purpose of providing extended harbour accommodation for the port of Wollongong.

That your Petitioners view with alarm the effects now being put forth by private and irresponsible persons to secure, without adequate consideration, large concessions of public property if the Illawarra Harbour and Land Corporation Bill now before Parliament become law, inasmuch as such concessions will militate against the success of the Wollongong Harbour Extension scheme, in which the Government is pecuniarily interested to a large extent.

That the granting to a private Company the fee simple of Lake Illawarra, estimated to contain an area of about forty (40) square miles with the foreshores, is entirely at variance with the policy maintained by successive Parliaments for many years.

That the policy of alienating foreshores public property for the use and benefit of private individuals has, from past experience, been found most detrimental to the national welfare, and in many instances it has entailed the necessity of Government being compelled to resume such lands at a high price when required for public use.

That the proposal to construct and run private railways in competition with the Government Railways will be detrimental to the public revenue.

That the promoters of the Bill appear to have misrepresented to honorable Members the necessity for their proposed harbour, inasmuch as they entirely ignore the existence of the port of Wollongong, from which coal has been shipped in large quantities to foreign and intercolonial ports for the past twenty years.

Further, that the depth of water (15 feet) for the proposed Lake Illawarra Harbour is altogether less than the present depth of Wollongong Harbour, which has been found totally inadequate for the existing class of ocean-going steamers and sailing vessels.

That operations have already been commenced for the extension and deepening of Wollongong Harbour.

That plans have been prepared and are now being considered by Sir John Coode, in England, for a comprehensive scheme of harbour accommodation, which, when completed, will be amply sufficient for the largest class of ocean-going steamers, and will be sufficient for the requirements of the district for many years.

From the foregoing premises your Petitioners therefore pray that your Honorable House may not pass into law a measure which will be most injurious to important existing vested interests as well as detrimental to public welfare.

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

[Here follow 1,764 signatures.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MULGOA IRRIGATION BILL.

(PETITION FROM T. R. SMITH, CHAIRMAN OF A MEETING OF INHABITANTS OF PENRITH AND DISTRICT, IN FAVOUR OF.)

Received by the Legislative Assembly, 25 November, 1890.

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

The humble Petition of the undersigned,—

RESPECTFULLY SHOWETH :—

1. That a meeting of the inhabitants of the town and district of Penrith was held in that town, on Saturday, the 22nd day of November, one thousand eight hundred and ninety.

2. That the said meeting passed unanimously the following resolutions:—

1stly. That the best interests of the Nepean district and the Colony at large demand that Messieurs Chaffey Brothers' scheme for the irrigation of Mulgoa should receive every encouragement.

2ndly. That the Chairman of this meeting be requested to sign a Petition to the Legislative Assembly in support of the Mulgoa Irrigation Bill, in the name of the inhabitants of the Penrith district, and that the Member for the district be desired to present the said Petition on Tuesday next.

Your Petitioners, therefore, humbly pray that your Honorable House will take the said resolutions into your favourable consideration.

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

Penrith, 22 November, 1890.

T. R. SMITH,
Mayor and Chairman.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

ST. LEONARDS SCHOOL OF ARTS
ENABLING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
6 *May*, 1890.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 3. THURSDAY, 1 MAY, 1890.

13. ST. LEONARDS SCHOOL OF ARTS ENABLING BILL (*Formal Motion*):—Mr. Cullen moved, pursuant to Notice,—
- (1.) That the St. Leonards School of Arts Enabling Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Lee, Mr. Burns, Mr. Henry Clarke, Mr. Thompson, Mr. Howe, Mr. McCourt, Mr. Perry, and the Mover.
- Question put and passed.
-

VOTES NO. 4. TUESDAY, 6 MAY, 1890.

5. ST. LEONARDS SCHOOL OF ARTS ENABLING BILL:—Mr. Cullen, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 1st May, 1890, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890.

ST. LEONARDS SCHOOL OF ARTS ENABLING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly for whose consideration and report was referred on the 1st May, 1890, the "*St. Leonards School of Arts Enabling Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the List* (whose evidence will be found appended hereto); and that the Preamble, as amended, having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, with an amended Preamble.

No. 3 Committee Room,
Sydney, 6 May, 1890.

J. F. CULLEN,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 6 MAY, 1890.

MEMBERS PRESENT:—

Mr. Cullen,	|	Mr. Burns,
Mr. Lee,		Mr. Perry,
	Mr. Howe.	

Mr. Cullen called to the Chair.
Entry from Votes and Proceedings appointing the Committee, read by the Clerk.
Printed copies of the Bill referred, together with original Petition to introduce the same, before the Committee.

Present:—J. Malbon Thompson, Esq. (*Solicitor for the Bill*).

J. Malbon Thompson, Esq., sworn and examined.

Witness produced conveyance of land to the Trustees of the St. Leonards School of Arts.

Frederick Alfred Adolphus Wilson (*President of the St. Leonards School of Arts*), called in, sworn, and examined.

Witness withdrew.

John H. Thompson (*Secretary of the St. Leonards School of Arts*) called in, sworn, and examined.

Room cleared.

Committee deliberated.

Preamble considered and amended.*

Question,—“That this Preamble as amended stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clause 1 read, amended,* and agreed to.

Clauses 2 to 8 read and agreed to.

Clause 9 read, amended,* and agreed to.

Clause 10 read and agreed to.

Title read and agreed to.

Chairman to report the Bill with amendments to the House, and an amended Preamble.

* See Schedule
of Amendments.

SCHEDULE OF AMENDMENTS.

Page 2, Preamble, line 15. *Omit* “Edwin Mauney Sayers and”
Page 2, Preamble, line 16. *Omit* “have” *insert* “has”
Page 2, Preamble, line 16. *Omit* “Trustees” *insert* “Trustee”
Page 2, Preamble, line 16. *After* “said” *insert* “Edwin Mauney Sayers”
Page 2, clause 1, line 46. *After* “said” *insert* “Edwin Mauney Sayers”
Page 4, clause 9, line 19. *Omit* “conclusive”

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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

ST. LEONARDS SCHOOL OF ARTS ENABLING BILL.

TUESDAY, 6 MAY, 1890.

Present:—

MR. BURNS,
MR. LEE,

MR. PERRY,
MR. HOWE.

J. F. CULLEN, Esq., IN THE CHAIR.

John Malbon Thompson, Esq. (of the firm of Messrs. Thompson and Weekes), appeared as Solicitor for the promoters of the Bill.

John Malbon Thompson, Esq., sworn and examined:—

1. *Chairman.*] You are solicitor for the St. Leonards School of Arts Enabling Bill? Yes.
2. You have also been an active member of the Committee of that Institution? I was for some years.
3. And are personally aware of the circumstances under which this Bill has been introduced? Yes.
4. You are aware that the St. Leonards School of Arts was founded in 1859? I made inquiry before I introduced that statement into the Draft Bill and found that that was so.
5. And that a portion of land, measuring 1 rood 6 perches, was conveyed to the trustees mentioned in the Preamble to this Bill as a site for a School of Arts? Yes; I produce a deed to that effect—[*Deed produced*]—the deed which gives them their title—and I have compared the description and found that it is correct.
6. You are aware that on that site the School of Arts buildings, class rooms, &c., have been erected? Yes.
7. You are aware that one of the original trustees has refused to act? Yes; Charles Henry Woolcott.
8. And that the other gents named in the Preamble of this Bill are the sole remaining trustees? Yes. I may explain that Mr. Sayers at first thought that he would not act, but that ultimately he decided that he would act; and so you will please strike out that portion of the Bill stating that he has refused to act.
9. He has consented to act? Yes; I have a letter to that effect.
10. There was a deficit in connection with the erection and completion of these buildings? Yes; and in connection with the furnishing. The Secretary will give you the particulars if desired.
11. That is mentioned in the Preamble? Yes.
12. And you are personally aware of that fact? Yes; I have been present at the meetings.
13. The deficit is about £882? Yes; about that.
14. It is necessary to give a mortgage to cover this loan? Yes; the bank has called upon the Committee to pay the overdraft.
15. And the trusts are not sufficient to enable a mortgage to be given? The trusts are not sufficient. I now look at a copy of the deed [*produced*] and find that the only trust is "to permit and suffer the premises to be appropriated as a site or place for the erection of such building or buildings for the St. Leonards School of Arts as the President, Senior Vice-President, and Treasurer, for the time being, of the said Society, or other the managing officers thereof, should think fit." Of course there are the usual trusts for change of trustees; but the conveyance contains no trust which would enable a lease, sale, or mortgage to take place.

J. M.
Thompson,
Esq.
6 May, 1890.

- J. M. Thompson, Esq.
6 May, 1890.
16. Then the Committee of the St Leonards School of Arts has decided in this Bill to ask for an extension of the trusts? Yes.
17. To cover how much? The extension of the trusts proposed in the second section of the Bill as drawn to the various powers to mortgage, sell, or lease; and then there are other clauses which define how this is to be done and the application of the money, and the usual clauses giving protection so that it should not be improvidently done.
18. Is there anything else that you wish to state to this Committee? As a member of the School of Arts, and one who takes some interest in it, I am convinced that what is proposed is a proper thing to be done.
19. *Mr. Burns.*] You are satisfied, Mr. Thompson, that conferring these powers on the Committee of the St Leonards School of Arts would enable them to better carry out the intention of those who first promoted that Mechanics' Institution? I am quite sure that it would.
20. There is no opposition on the part of any member of the Committee of the Institution to your taking this course? No. There was one dissentient, I think, but he never put his dissent in form. I think that the resolutions were all carried unanimously.
21. Were they put to a meeting of the members of the Institution? They were first carried in Committee and then in a general meeting.
22. The project has been approved of by the members at a public meeting? Yes; and the Bill has been approved of by the Committee.
23. *Mr. Lee.*] In this Bill you have provided ample power for the members of the St. Leonards' Mechanics' Institute to decide whether the powers under this Bill should be exercised either by sale or mortgage? Yes; the 6th clause of the Bill provides for that. That is framed in accordance with the rules.
24. You have made that provision? Yes.
25. So that although this emanates from the Committee, the powers of the Bill cannot be exercised without the consent of the majority of the members of the Institution? Yes; a three-fourths majority.
26. *Mr. Burns.*] Why do you make a provision for a three-fourths majority;—why not a simple majority? Because the rules made it so. We had to conform to the rules. It would not have done to have the rules and the Act conflicting.
27. *Mr. Perry.*] You say Mr. Woolcott has refused to act as trustee? Yes.
28. Has this proposal anything to do with that refusal? No, nothing whatever. Before this took definite shape he expressed his intention to resign.

Frederick Alfred Adolphus Wilson, sworn and examined:—

- Mr. F. A. A. Wilson.
6 May, 1890.
29. *Chairman.*] Where do you reside? At St. Leonards.
30. You are a trustee of the St. Leonards School of Arts? Yes.
31. And also Chairman of the Committee? Yes; I am President of the Institution.
32. You are thoroughly acquainted with the provisions of the St. Leonards School of Arts Enabling Bill? Yes.
33. You consider that it is right that the powers asked for in this Bill should be secured for the St. Leonards School of Arts? Certainly.
34. The School of Arts is practically unanimously in favour of the Bill? I think quite unanimously. I have not heard of any opposition to the Bill.
35. There has not been any formal opposition at any of the meetings? None whatever.
36. The introduction of the Bill has been approved in due course by the Committee and by the School of Arts as an Institution? It has.
37. *Mr. Burns.*] The Bill has been approved by the members in public meeting assembled? At an ordinary meeting of the members.
38. Was it notified to the members that the question would be brought forward? Yes; in accordance with the rules.
39. *Chairman.*] Is there anything else you would like to say in support of the Bill? Yes. In the first place I would like to say that the difficulty is the result of a mistake. We bought more land than we actually wanted, expecting to be able to sell the portion we did not want, or at least lease it and make it revenue-producing. In the next place, when we made the arrangement with the Government by which they took over our old premises and gave us the new ones we agreed to take in part settlement an allotment of land that we did not consider suitable for building the School of Arts upon, but which we thought we could sell at a certain price. The price we put on it was £1,000, and we did sell it ultimately at that price. The Government agreed that we should take that land and sell it, and that whenever we sold it they would convey it to our nominee, and we should get the money. We sold it for £1,000, but it took two years to get the conveyance from the Government to our nominee. In consequence of that we lost two years' interest on that money, besides about £50 or £60 law expenses incurred in obtaining the grant to the nominee. That, I think, added about £200 to our debt one way and the other. I think I am not far out when I say that. So that we have been partly driven into debt by not getting our rights from the Government in proper time. The next thing is that we want this money. It is to the advantage of the School of Arts to get this money; already they owe it. By being able to properly mortgage this property we shall get that money much cheaper than we are paying for it at present.
40. At present it is a bank overdraft? Yes.
41. Having stated that it is a bank overdraft, you may as well mention the amount of interest? Well, I don't know exactly, but it is the current rate of interest—probably 8 per cent.
42. In giving a mortgage you will probably get the money at about 5½ per cent.? Yes, I think so. I do not think there will be any trouble about getting it at 5½ per cent., because the security is so very much beyond what we want to borrow. I might say, with reference to the retirement of Mr. Woolcott from the position of trustee, that Mr. Woolcott retired from the trusteeship simply because he was retiring from every other similar position that he held at the time. Simultaneously he retired from the trusteeship of the Lavender Bay baths. At the time he retired there was no thought of getting this Bill through the House; it was not in view at all; we did not know it would be necessary.

John

John Harriott Thomson sworn and examined :—

- 43. *Chairman.*] Where do you reside? Alfred-street, St. Leonards.
- 44. What is your calling? I am Secretary to the St. Leonards School of Arts.
- 45. You are acquainted with the School of Arts Enabling Bill that has been introduced into the Legislative Assembly? Yes.
- 46. We want to know from you, as Secretary, whether the steps that have been taken towards introducing this Bill have been taken in accordance with the rules of the Institution? Yes.
- 47. It has been approved by the Committee and by a general meeting of the Institution? Yes.
- 48. Will you be good enough to read an extract from the minutes? At the annual general meeting of the Institution, on 31st December, 1889, amongst other matters mentioned in the report was the following:—"The Trustees, in conjunction with your Committee, finding that the trust deed does not give the trustees sufficient powers to act in the interest of the Institution, resolved that the said deed be so amended by Act of Parliament as to give all necessary powers. They have accordingly instructed Messrs. Thompson & Weekes, solicitors, of Sydney, to draft a Bill for such purpose for presentation to Parliament." The meeting adopted the report containing that recommendation.
- 49. We understand from previous witnesses that there has been no formal objection to this course? None.
- 50. *Mr. Perry.*] Do any members at all object to this Bill? No member has urged any objection whatever to it.

Mr. J. H.
Thomson.
6 May, 1890.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STOCKTON GAS AND ELECTRICITY BILL.

(PETITION FROM MAYOR AND ALDERMEN OF STOCKTON AGAINST PASSING OF)

Received by the Legislative Assembly, 29 April, 1890.

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

The humble petition of the Mayor and Aldermen of the Borough of Stockton, against Mr. Mahlon Clarke Cowlshaw's Gas and Electric Lighting Bill for Stockton,—

We, the undersigned, the Mayor and Aldermen of the Borough of Stockton, being desirous of furthering the wishes of the people of Stockton, as set forth in their petition, presented to Parliament in December last, protesting against the granting of power to Mahlon Clarke Cowlshaw, or any syndicate, to light Stockton with gas or electricity, to the end that the lighting of this Borough may be carried out, executed, and controlled by the corporate body (whereby the residents would be more cheaply and efficiently served), do most humbly petition this Honorable House that the powers sought to be obtained by the abovenamed Mahlon Clarke Cowlshaw, in his Gas and Electric Lighting Bill for Stockton, now before the House, be not granted.

In preferring this request we beg leave to give hereunder a copy of a resolution passed at a duly convened meeting of the Council, held on 31st March, 1890, consequent upon a report submitted to it by the Improvement Committee which had considered the question of lighting the Borough and made estimates of the cost.

It was proposed, seconded, and unanimously carried, "That a petition be drawn up for presentation to Parliament under the corporate seal and signed by the Mayor and Aldermen, protesting against the granting to Mahlon Clarke Cowlshaw, or any syndicate, the powers sought in his Gas and Electric Lighting Bill for Stockton, now before Parliament."

Your Petitioners therefore humbly beseech that their request may be granted, and, as in duty bound, they will ever pray.

[Here follow 9 signatures.]

1890.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

STOCKTON GAS AND ELECTRICITY BILL.

(PETITION FROM RATEPAYERS AND OTHERS AGAINST PASSING OF.)

Received by the Legislative Assembly, 27 May, 1890.

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

The humble prayer of your Petitioners, the ratepayers and inhabitants of the Borough of Stockton,—

RESPECTFULLY SHOWETH :—

1. That at a public meeting of the inhabitants of Stockton, held on the evening of the 14th day of May, 1890, to consider what steps should be taken with regard to the Petition lately presented to Parliament by Mahlon Clark Cowlshaw, begging that his proposed Gas and Electric Lighting Bill for Stockton might again be placed upon the business-sheet of your Honorable House, the following resolutions were unanimously carried :—

- (a) That the expression of opinion given by the inhabitants of the Borough upon this question in December last, and then embodied in a Petition and presented to Parliament, be now repeated, and that the ratepayers' and residents' strong opposition to such powers as Mr. Mahlon Clark Cowlshaw now seeks being granted to him, or to any syndicate, be once again fervently expressed.
- (b) That the Petition lately presented to Parliament from the Members of the Borough Council in opposition to Mr. Cowlshaw's Bill be now thoroughly approved of, and that another Petition in similar strain be at once prepared and forwarded to Parliament, with the signatures of ratepayers and inhabitants generally attached, it being the firm belief of the meeting that the best interests of the inhabitants of the Borough would be more efficiently served if the lighting of the streets and houses were carried out by the Municipal Council.

2. That therefore your Petitioners do most respectfully pray that the powers sought by the said Mahlon Clark Cowlshaw in his before-mentioned Bill be not granted to him, or to any syndicate, save and except to the Municipal Council of the Borough, to whose province the lighting of the Borough does, in the opinion of your Petitioners, justly belong.

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

[Here follow 325 signatures.]

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STOCKTON GAS AND ELECTRICITY BILL.

(PETITION FROM THE MAYOR AND ALDERMEN OF THE BOROUGH OF STOCKTON, AGAINST.)

Received by the Legislative Assembly, 4 November, 1890.

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

The humble Petition of the Mayor and Aldermen of the Borough of Stockton,—

RESPECTFULLY SHOWETH :—

1. That a Bill has been laid before your Honorable House by Mahlon Clark Cowlshaw, wherein he seeks to obtain power to light Stockton with gas or electricity.

2. That the ratepayers and residents of Stockton are opposed to the said Bill; and have by Petitions formerly presented to your Honorable House, and by almost unanimous votes recorded at more than one largely attended public meeting, strongly expressed the desire that the lighting of the Borough should be carried out by the corporate body, and that the powers sought by the said Mahlon Clark Cowlshaw should not be granted to him, nor to any syndicate.

3. That the said corporate body (namely your Petitioners) are desirous of undertaking the work of lighting the said Borough, and have in Committee and in Council considered the matter, and have had estimates prepared there anent.

Your Petitioners do therefore most humbly beg that the said Mahlon Clark Cowlshaw's Bill be not allowed to pass your Honorable House.

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

[*Here follow 9 signatures.*]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

TARRAWINGEE TRAMWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
18 *June*, 1890.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 18. THURSDAY, 5 JUNE, 1890.

3. TARRAWINGEE TRAMWAY BILL (*Formal Motion*):—Mr. Wyman Brown moved, pursuant to Notice,—
- (1.) That the Tarrawingee Tramway Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. McMillan, Mr. Garland, Mr. Lakeman, Mr. Plumb, Mr. Waddell, Mr. Lamb, Mr. Perry, Mr. Dowel, and the Mover.
- Question put and passed.
-

VOTES, No. 23. WEDNESDAY, 18 JUNE, 1890.

9. TARRAWINGEE TRAMWAY BILL:—Mr. Wyman Brown, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and Report this Bill was referred on 5th June, 1890; together with Appendix and copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890.

TARRAWINGEE TRAMWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 5th June, 1890, the "*Tarrawingee Tramway Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments. * See list, page 4.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

WYMAN BROWN,
Chairman.

*No. 2 Committee Room,
Sydney, 18th June, 1890.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 18 JUNE, 1890.

MEMBERS PRESENT:—

Mr. Wyman Brown,	|	Mr. Perry,
Mr. Dowel,	|	Mr. Lakeman,
	Mr. Plumb.	

Mr. Wyman Brown called to the Chair.

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

Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

James Smith Reid (*the Promoter*), called in, sworn, and examined.

Witness *handed in* a Report from Walter J. Koehler, S.B., reporting on the Mount Tarrawingie Limestone Claims, and *produced* plan of the proposed Tramway.

Witness withdrew.

Robert Henry Levien, Esq., M.P., called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,” put and passed.

Clauses 1 read and *agreed* to.

Clause 2 read, amended,* and *agreed* to.

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, read and *agreed* to.

Clause 17 read, amended,* and *agreed* to.

Clauses 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, read and *agreed* to.

Clause 32 read and *agreed* to.

Clause 33 read, amended,* and *agreed* to.

Clause 34 read and *agreed* to.

New clause,* to stand clause 32 of the Bill, read and *agreed* to.

Title read and *agreed* to.

Chairman to report the Bill, with amendments, to the House.

*See Schedule of Amendments.

SCHEDULE OF AMENDMENTS.

- Page 2, clause 2, line 23. *After* “thereof” *insert* “The said James Smith Reid, his heirs, executors, administrators, or assigns, shall maintain in perfect order and repair the said tramway and the pavements of the same between the rails of the said railway, and for the space of one foot six inches on each side of the said rails, and, furthermore, shall erect and maintain all necessary causeways in connection with the said tramway.”
- „ 4, „ 17, „ 48. *After* “one-fourth” *insert* “or more”
- „ 7. *Insert* the following new clause to stand as clause 32:—
- “32. At any time the Governor, with the advice of the Executive Council, may, if he think fit, purchase such tramway upon giving to the said James Smith Reid, his heirs, executors, administrators, or assigns three months’ notice in writing of his intention to do so. If the amount tendered for the purchase of the property be considered inadequate by the said James Smith Reid, his heirs, executors, administrators, or assigns, the amounts shall be ascertained by assessment in terms of the ‘Public Lands Acquisition Act.’”
- „ 7, clause 34, line 43. *Omit* “three” *insert* “two”

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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

TARRAWINGEE TRAMWAY BILL.

WEDNESDAY, 18 JUNE, 1890.

Present:—

MR. W. BROWN.	MR. LAKEMAN.
MR. DOWEL.	MR. PERRY.
MR. GARLAND.	MR. PLUMB.

MR. W. BROWN IN THE CHAIR.

Mr. James Smith Reid called in, sworn, and examined:—

1. *Chairman.*] You reside at Adelaide? Yes.
2. You are applying to Parliament for permission to construct a tramway from a point in the parish of Tarrawingee to a point at block 10 in Broken Hill? Yes.
3. Do you produce a plan showing the course of the line? I do.
4. What are the chief objects of the Bill? The chief and almost sole object is to carry limestone from these quarries for fluxing purposes at Broken Hill in connection with the smelting of silver and lead ores.
5. How do you hold the land upon which the limestone is found? Under mineral lease from the Government of New South Wales.
6. What quantities of limestone will be required? The amount used by the Broken Hill Proprietary Co., for the half-year ending 30th November, 1889, was 16,368 tons, and for the half-year ending 31st May, 1890, 24,624 tons, or a total of 41,012 tons for the year. Block 14 uses about 250 tons a week. But this quantity will be greatly exceeded presently. Within six months I reckon that the furnaces now going up and those already in blast will use 2,080 tons a week, that is to say, the Broken Hill Proprietary, 1,200 tons; Block 14, 250 tons; British Broken Hill, 80 tons; Central Broken Hill, 300 tons; South Broken Hill, 250 tons.
7. Where is the present supply of limestone obtained? It is chiefly obtained from the small shallow deposits of lime that are scattered over the country; the balance is got from Kapunda, in South Australia, which is about 260 miles from Broken Hill.
8. There have been large quantities sent at different times from Kapunda? Yes.
9. *Mr. Garland.*] Have you any idea of the extent of the limestone deposits at Tarrawingee? I have examined them in company with Mr. Howell, the general manager of the Broken Hill Proprietary Company. The quantity of limestone is simply unlimited. I beg to hand in a report on the quarry, which was made before I had anything to do with the quarry, by the assistant metallurgist of that company. [*Vide Appendix A.*]
10. *Chairman.*] Can you state the cost the material obtained from Kapunda;—you were a director of that company were you not? I left the Broken Hill Proprietary Company in November last, but as far as my memory serves me, before that time it used to cost £26 or £27 a ton to get limestone from Kapunda, while about £1 a ton was paid for the local limestone, which is not of good quality.
11. Have you estimated the price at which you could deliver the limestone at the mines? I have made a rough calculation. I may say that the teamsters returning from the stations are allowed to take as back-loading

Mr.
J. S. Reid.
18 June, 1890.

Mr.
J. S. Reid.
18 June, 1890.

loading the limestone that is broken out at Tarrawingee. We do not get anything for it. Whatever price they get from the mines they get for the carriage of it. The Broken Hill Company gives 3s. 9d. a ton more for this stone than for the local stone. The estimated saving on the quantity that would be required within six months, taking the Tarrawingee standard of purity as a basis, would be about 6s. a ton, or an annual saving to the mines of £32,448.

12. *Mr. Garland.*] What is the length of the line? About 40 miles.

13. And the width of the gauge? Three feet 6 inches, the same gauge as that of the line between the border and Broken Hill.

14. What is the character of the country through which the tram-line will pass? It is almost level country, as is shown on the plan which I now produce. It will be observed that scarcely any earthworks are necessary, and that only one bridge or culvert is required in the whole of the work. The steepest grade on the line will be 1 in 50.

15. *Mr. Perry.*] Will the line obstruct any Government road in the district? No, the principal road that it crosses is the travelling stock reserve between Menindie and Silverton which is a mile wide.

16. *Mr. Garland.*] Will the tramway serve the Corona mines? It will go within 4 or 5 miles of the south end of the Corona lode.

17. How far is it to their property? I suppose 10 miles.

18. The line will be of service to these mines? If the mines develop as they promise to do it will be of great service to them. I may say that when Mr. Howell, who has had very great experience in geological matters in America, inspected the deposit with me the week before last, he remarked that only once before in his experience had he seen such a deposit of limestone—and that was in Nevada—and that as regards its qualities for fluxing it could not possibly be excelled.

19. *Chairman.*] I think you also mentioned to me that he would recommend the directors to at once remove one of their smelters from Port Pirie to Broken Hill? One of the strong arguments in favour of smelting at the seaboard is the absence of good flux, which forms a very heavy item in smelting. Owing to the want of good flux and the doubt as to whether the water supply would be sufficient, the directors of the British Broken Hill put their five—eighty smelting furnaces at Port Pirie, but when Mr. Howell saw this deposit he remarked that the flux question, provided that the tram-line were built, was settled and that he would at once recommend the directors to shift up to the Hill one of the furnaces that had not yet been erected, and that within twelve months the other furnaces would be there. I daresay the Junction furnaces would follow then.

20. How much do you propose to expend on the construction of the tramway? I reckon that the whole work will cost from £100,000 to £120,000, including rolling stock.

21. *Mr. Garland.*] Did you say that the Corona mines are 10 miles from your property? The south end of what is known as the Corona lode will be closer than that; I think the terminus will be as near to Corona as will any point on the line. I may state that another material which will be wanted in considerable quantities for fluxing purposes is iron. I am having tests made of the Corona outcrop for iron-stone flux, and should the test prove the iron to be of good quality for that purpose, probably I shall come by-and-bye and ask permission to extend the line to Corona.

22. Will the construction of the line interfere with any railway in the Colony? Not that I am aware of.

23. *Mr. Plumb.*] Will it interfere with the projected line from Cobar? It will run almost at right angles with that line.

24. *Chairman.*] You do not intend to use the line at present for any other purpose than that of carrying flux? No.

25. *Mr. Garland.*] I suppose you will provide for any passenger traffic in that direction? Yes; if it is required.

26. *Mr. Dowel.*] What is the nature of the soil over which the line will pass? It is all salt-bush country.

27. Is it all Crown lands? All except one piece, held by a man named Gaynor, who has an hotel and a 600-acre block. He is quite favourable to the line passing through his land.

28. Have you any knowledge as to whether the limestone is suitable for flux? I have no further knowledge than that which I obtained from the experts. I am not a metallurgist, and therefore cannot say of my own knowledge that it is suitable for flux. But a convincing proof that it is good for the purpose is the fact that it is fetching 3s. 9d. per ton more than is the locally obtained stone.

29. You do not propose to construct the line in the interests of any particular company? No, for the benefit of all who choose to purchase this flux.

30. Will you insert a provision in the Bill empowering the Government to purchase the line at any time if they should think fit? Yes.

31. *Mr. Perry.*] The Railway Commissioners have been supplied with a copy of the Bill? Yes.

32. Have they offered any objections to the measure? Not that I know of. Perhaps I ought to mention that the local supply of limestone is very limited. It occurs in small patches under the surface, perhaps 2 or 3 feet down. The men find a little patch here or there, containing 60 tons, and when that is finished they have to look round and get another. In view of the great demand which now exists for limestone, the local supply will soon be exhausted, and if the supply at Tarrawingee is not made available for the mines it is only a question of time when all the furnaces will be shifted out of there, which would mean the shifting of 1,500 or 2,000 hands to South Australia.

33. *Mr. Lakeman.*] The Bill does not interfere with any public waterways or public roadways? No.

34. *Mr. Garland.*] Will the tramway be built by yourself, or by a company? At the present time some other people have a small interest in the quarries. I do not know whether it is too heavy an undertaking for me, but I intend to build the line myself.

35. *Mr. Dowel.*] You are convinced that the tramway will be of some considerable advantage to the mining industry? Yes.

36. You think it will be the means of supplying flux of a better quality at a lower rate? I am sure it will. I may mention that the total quantity of ore treated by the Broken Hill Proprietary Company in the year ending 31st May last, was 162,225 tons, yielding 29,058 tons of lead and 7,140,099 oz. of silver, of the roughly-estimated value of £2,000,000.

37. As regards the tramway, what will be the weight of rails and the description of sleepers? I propose to use a 41-lb. rail, and similar sleepers to those used on the Silverton tram-line. I think they are 10 x 4.

38. How many of them to a mile? That I cannot say; but the line will be constructed in a similar way to the other line.
39. Equally substantial? Yes, in regard to the rails and sleepers; but at the start I would not think of ballasting the line.
40. You would only have half ballast? Yes. The speed on this line will not be more than 12 miles an hour, and the travelling will be done in the day-time.

Mr.
J. S. Reid.
18 June, 1890.

Robert Henry Levien, Esq., M.P., called in, sworn and examined :—

41. *Chairman.*] I understand that you, as solicitor for this Bill, waited on the Secretary to the Commissioners for Railways? Yes. I caused three copies of the Bill to be left at the office of the Commissioners about a fortnight ago; I told the Secretary yesterday that the Committee would meet to-day to take evidence and to consider the Bill; and that if the Commissioners had any objection to the Bill they could attend or produce evidence, and he replied that he did not think that they had any objection to the Bill, as they had obtained certain information from Mr. Wyman Brown that the line would not interfere with the Government railway.

R. H. Levien,
Esq., M.P.
18 June, 1890.

TARRAWINGEE TRAMWAY BILL.

APPENDIX.

[To Evidence of J. S. Reid.]

The following is my Report on your Limestone claims, which I visited on the 4th of January last :—

Your property consists of six 40-acre and two 80-acre blocks, and is situate about 43 miles* north of Broken Hill, in the parish of Tarawingie, county Farnell, in what is known as the Poolamacca district. The limestone on your property is undoubtedly a true sedimentary rock, forming part of the country formation; it has been deposited between two layers of slate, and the whole formation has subsequently been tilted up at nearly right angles, with a slight dip to the east; its general direction is approximately north and south. I followed the outcrop for about 3 miles, and its average width is from a quarter to three-eighths of a mile—this evidently having been the depth of the limestone when *in situ*. It is traversed by two bands of slate, whose exact width it was impossible to determine, but which certainly comprises only a few feet of the total width. On the outcrop of your property are two hills; the larger one of these rises about 70 feet above the level of the surrounding country, and is between a half and three-quarters of a mile long, and is composed entirely of pure limestone, with the exception of the bands of slate referred to above. The other hill, at the northern end of your property, is not quite as extensive, but is exactly of the same formation. I append to this the analysis of several lots supplied by you to the Broken Hill Proprietary Company, amounting in all to about 50 tons. These show conclusively that the stone is a very superior article for fluxing purposes. Besides its freedom from impurities it is also very suitable for furnace purposes on account of its mechanical structure. The nature of the formation is such that it could be quarried at a very small expense. The two hills referred to rise directly from the plains, and are very easy of access, so that quarrying could be commenced at their base, and the whole contents of the hill would approximately represent the amount of material available for immediate working. The supply to all intents and purposes is unlimited. To make the material marketable a tramway to Broken Hill would be an absolute necessity. The country between Tarawingie and Broken Hill presents, as you travel over it, very few impediments to the construction of a light surface railroad at a comparatively small expense. There is only one spot, at the Mount Gipps woolshed, which seems at all to necessitate deep cutting; but I am assured by persons conversant with the country that this can be averted by a short detour. I believe it is your intention to have a flying survey made which will give definite information on this question. Close to the western edge of the property, between the limestone and the slate, is an outcrop of ironstone. On the surface it looks very promising; but as no work has been done on it to show its nature at a depth I am unable to report on it.

Yours very faithfully,
WALTER J. KOEHLER, S.B.,
Broken Hill Proprietary Co.

The results of bulk analysis are as follow :—

16 tons 12 cwt.	delivered January 6,	contained 4.2 per cent. insoluble matter.
19 tons 4 cwt. 1 qr.	„ 15,	3.74 „ „ „
6 tons 14 cwt. 2 qrs.	„ 22,	3.4 „ „ „
11 tons 8 cwt.	„ 23,	3.24 „ „ „
<hr/>		
53 tons 18 cwt. 3 qrs.		

The remainder of the stone (averaging nearly 97 per cent.) is pure carbonate of lime, containing no magnesia and a very small trace of iron.

* The measured distance from the town boundary obtained since this was written is 33 miles.—(Vide Messrs. Horwood and Creswell's survey.)

To J. W. THISELTON, Esq.,
Secretary of the Mount Tarawingie Calcite Syndicate.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

TORONTO TRAMWAY ACT AMEND-
MENT BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
6 *May*, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 3. THURSDAY, 1 MAY, 1890.

14. TORONTO TRAMWAY ACT AMENDMENT BILL (*Formal Motion*):—Mr. Stevenson moved, pursuant to Notice,—
- (1.) That the Toronto Tramway Act Amendment Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
 - (2.) That such Committee consist of Mr. McMillan, Mr. Gormly, Mr. Frank Farnell, Mr. Paul, Mr. Creer, Mr. McFarlane, Mr. Perry, and the Mover.
- Question put and passed.

VOTES NO. 4. TUESDAY, 6 MAY, 1890.

26. TORONTO TRAMWAY ACT AMENDMENT BILL:—Mr. Stevenson, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 1st May, 1890, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890.

TORONTO TRAMWAY ACT AMENDMENT BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 1st May, 1890, the—" *Toronto Tramway Act Amendment Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was not deemed necessary to make any amendment. * See list, page 4.

Your Committee now beg to lay before your Honorable House the Bill without amendment.

R. STEVENSON,
Chairman.

*No. 2 Committee Room,
Sydney, 6th May, 1890.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 6 MAY, 1890.

MEMBERS PRESENT:—

Mr. Stevenson,	|	Mr. Perry,
Mr. Creer,	|	Mr. Gormly,
	Mr. McFarlane.	

Mr. Stevenson called to the Chair.
 Entry from Votes and Proceedings, appointing the Committee, *read* by the Clerk.
 Printed copies of the Bill *referred*, together with original Petition to introduce the same before the
 Committee.

Present:—Alfred Rofe, Esq. (*Solicitor for the Bill*).
 Phillip Robert Cook (*Acting Manager, Excelsior Land Investment and Building Company and Bank, Limited*) called in, sworn, and examined.

Witness withdrew.

James Adam (*Surveyor*) called in, sworn, and examined.

Witness produced plan of the proposed alterations of the Toronto Tramway.

Witness withdrew.

Hugh M'Lachlan (*Secretary for Railways*) called in, sworn, and examined.

Witness withdrew.

Room cleared.

Committee deliberated.

Preamble considered, and Question,—“That this Preamble stand part of the Bill,”—put and passed.

Solicitor called in and informed.

Clauses 1, 2, and 3 read and *agreed* to.

Schedule read and *agreed* to.

Title read and *agreed* to.

Chairman to report the Bill without amendment to the House.

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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

TORONTO TRAMWAY ACT AMENDMENT BILL.

TUESDAY, 6 MAY, 1890.

Present:—

MR. CREER,

MR. PERRY.

MR. GORMLY,

R. STEVENSON, Esq., IN THE CHAIR.

Alfred Rofe, Esq., appeared as Solicitor for the promoters of the Bill.

Mr. Phillip Robert Cook sworn and examined:—

1. *Mr. Rofe.*] What are you? I am Acting-Manager of the Excelsior Land, Investment, and Building Company and Bank (Limited).
2. You are one of the promoters of this Amending Toronto Tramway Bill? Yes.
3. Are you acquainted with the alteration in the route which has necessitated this amending Bill? Yes.
4. Do you know of your own knowledge whether the new route is acceptable to the people resident in the neighbourhood of Lake Macquarie? I believe so; I have heard nothing to the contrary.
5. Will you explain, first, the necessity for the proposed alteration? The reason for the alteration was: In the first place it was proposed to put down a 3 ft. gauge line—a very light line; but during the sitting of the Select Committee on the original Bill the Commissioners for Railways sent their Secretary, who recommended that the gauge should be 4 ft. 8½ in. Their recommendation was adopted, but it was then too late to amend the Bill for the purpose of altering the route. It was found out afterwards that in adopting the broad gauge the curves on the line were insufficient—they were too short; and therefore the route had to be altered in two or three places. It was not discovered till after the Bill was very nearly through Parliament. The Bill was through the Lower House and very nearly through the Upper House before it was discovered that the curves were insufficient.
6. It was then too late to further amend the Bill? Yes.
7. And in order to proceed with the construction of the tramway, you thought it better to allow the Bill to pass through, and afterwards apply for an amending Bill? Yes.
8. Is the tramway in course of construction? Yes.
9. About how much of it do you think is ready for the sleepers and rolling-stock? I should say fully five-sixths of it.
10. It says here that you would require to arrange for the carriage of coal;—what is the intention in having this extra power in the Bill? It is in order that, as Lake Macquarie is likely to be a coal district, any coal company should have the power to connect with our line, and, if necessary, run their own trucks and locomotives on our line to the deep waters of Lake Macquarie.
11. This would still further develop the resources of the district? Yes; and it would be a public advantage.
12. *Mr. Creer.*] Will this 4 feet 8½ inch gauge suit the Government rolling-stock? Yes.
13. So the line could be used by any Government rolling-stock? Yes.
14. I suppose that is one object you have in view? Yes; it was a recommendation by the Commissioners or Railways.

Mr.
P. R. Cook.
6 May, 1890.

- Mr. P. R. Cook.
6 May, 1890.
15. *Mr. Gormly.*] Is there a chart before the Committee showing the original line and the proposed alteration? Yes; I produce one.
16. *Mr. Rofe.*] Do you know of your own knowledge whether the Railway Commissioners approve of the tramway? Yes, I do.
17. *Mr. Perry.*] Is there any provision for the compensation of parties whose land is taken by your Company? Yes; that is in the original Bill.
18. *Chairman.*] How did you first discover that the curves were too sharp? I inquired of a gentleman in the Government Railways Department.
19. What was his answer? He said they were too sharp, and the Government trams were not allowed to run on a curve of less than 8 chains radius.
20. That was one of the reasons why you were compelled to apply for this Bill? Yes.
21. I take it that the increase of the curves was required in the interests of the public, as it was considered unsafe to run Government rolling-stock over the line provided for by the original Bill? Yes; it was so unsafe that they would not run their rolling-stock on it.
22. A good deal of this tramway travels through your own land? Yes; most of it—about two-thirds of it.
23. The Northumberland Coal and Land Company have had notice of the construction of this line? Yes; they are fully aware of its construction. They have had notice of its going through their leased land. Negotiations have been entered into with them for the purchase of that land, and those negotiations are still pending.

Mr. James Adam sworn and examined:—

- Mr. J. Adam.
6 May, 1890.
24. *Mr. Rofe.*] You are a surveyor? Yes.
25. A member of the firm of Laycock and Adam? Yes.
26. Do you produce a plan of the proposed route of the Toronto tramway? Yes. [*Plan produced.*]
27. Did you survey this line? Yes, and prepared this plan.
28. Will you please tell the Committee how much of the land required for the tramway is at present owned by the Excelsior Company? I should say that fully two-thirds of the land on which the tram travels is at present owned by the Excelsior Company.
29. *Mr. Gormly.*] Can you explain the alterations proposed to be made since the original Bill was passed? The principal alteration was in the connection with Fassifern Station.
30. Can you show us where the plan indicates the alteration? Yes. The principal alteration is in making a connection with the Great Northern Railway at Fassifern Station. Our original route passed up a Government road to give access to the Fassifern Railway Station. The deviation now passes through a township laid out by the Northumberland Coal and Land Company. Another deviation has been made in the Lorne township for the purpose of easing the curve which previously existed there. The other deviations are scarcely worth mentioning; they are only for the purpose of easing the curves.
31. *Mr. Rofe.*] Can you give any reason for the alteration at Fassifern Station? Our plan being for a 2 ft. 6 in. gauge we did not require a connection with the line, but now we require to run our rails into the main Northern Line. That could not be done before, because of the sharpness of the curves and there being a bridge just where the line would have gone.
32. In your opinion, would the line now proposed enable the Government to run their rolling-stock on our tramways? Yes, certainly; it will make an easy connection with our tramway.
33. Have you heard whether it is the intention of the Government to utilise our tramway in that respect? I have not heard officially in any way, but there are points and connections laid down for the purpose of making our tramways fit on to the Northern Line, and there are signals, and so forth.
34. In your opinion as a surveyor, was the alteration in the route necessary? Absolutely necessary to make a connection with the Northern Line.
35. *Chairman.*] Also, I presume, for the safety of the public? Yes.
36. *Mr. Rofe.*] The connection could not be made on the former route? No, certainly not.
37. *Mr. Gormly.*] What is the name of this township next the railway line? I do not think they have given it a name; it is merely a subdivision by the Northumberland Company.
38. There is no occupation? No; except the station-master's house.
39. Is the Lorne township built on? No.
40. *Mr. Rofe.*] Is the increased width of gauge necessary, and why? In certain parts of the line the cuttings have been increased a great deal over what they were in the original survey, and in order to give a sufficient batter to the sides of the line we must have a greater width than 33 feet. In one cutting in particular—just where we enter on to the main railway line—there is a cutting between 22 and 23 feet, which would of course necessitate a much greater width in order to give a proper slope to the cuttings.
41. Is it a clear cutting? Yes. It is very short, but for 3 chains we would require more than 33 feet—at least 66 feet.

Hugh M'Lachlan, Esq., sworn and examined:—

- Hugh M'Lachlan, Esq.
6 May, 1890.
42. *Mr. Rofe.*] What position do you occupy? I am Secretary for Railways.
43. Are you acquainted with the proposed route for the Toronto tramway? Generally, I am acquainted with the proposed route.
44. Are you aware that the width of gauge has been increased from 3 feet to 4 feet 8 inches? Yes; I see that by the Bill.
45. Can you tell us what width of curve the Railway Commissioners insist upon? The lowest we have is 8 chains. We would sooner have them pretty well straight if we could insist upon it.
46. Are you aware that one of the reasons for the proposed alteration of route is to obtain a greater width of curve because of the increased width of gauge? Yes, we understand that that is so.
47. Are you aware that it is the intention of the Commissioners for Railways to allow the Toronto tramway to connect with the railway at Fassifern? Yes; they have no objection, provided, of course, that their requirements are met.
48. Do you consider that the tramway will be a feeder of the railway? Yes; no doubt it will to an extent.
49. Are you aware whether the Commissioners contemplate using the tramway for the conveyance of passengers to Lake Macquarie? Nothing has been decided; but no doubt arrangements will be made between the Company and the Commissioners to run direct to Lake Macquarie.

50. Speaking generally, you are of opinion that the Commissioners approve of the proposed tramway? Yes; they have no objection to the line.

51. *Mr. Creer.*] There is no objection to the construction of the tramway as proposed on the plans? No.

52. The Commissioners do not offer any objection? No. Of course the proposal was made by them that the line should be 4 ft. 8 in. gauge, as proposed in this amending Bill. That will suit our rolling-stock.

53. *Chairman.*] You are fully aware that the alteration was made at the suggestion of the Commissioners themselves? Yes.

54. Are you aware that the Commissioners have already points, &c., at Fassifern Station to connect with the tram-line as widened? Yes, that can be done.

55. The Commissioners have had a copy of this amending Bill? Yes.

56. They have no objection? No.

57. They are altogether favourable to the construction of the tramway, are they not? Yes; they are favourable to its construction.

58. Do you know if Lake Macquarie is a great resort for excursionists in summer time? Yes; I know that it is.

59. A great number of people go there from the northern districts? Yes; and we have run a few trains from Sydney, and found them fairly well patronised.

60. Would not the construction of this tramway facilitate the public reaching the lake? It would very much.

Hugh
M'Lachlan,
Esq.
6 May, 1890.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

TUMUT SCHOOL OF ARTS SITE SALE BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
4 September, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 53. WEDNESDAY, 27 AUGUST, 1890.

6. TUMUT SCHOOL OF ARTS SITE SALE BILL (*Formal Motion*):—Mr. Jones moved, pursuant to Notice,—
- (1.) That the Tumut School of Arts Site Sale Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Carruthers, Mr. Cullen, Mr. Cooke, Mr. Greene, Mr. Lakeman, Mr. Barnes, Mr. Barbour, Mr. Ewing, and the Mover.
- Question put and passed.
-

VOTES NO. 57. THURSDAY, 4 SEPTEMBER, 1890.

3. TUMUT SCHOOL OF ARTS SITE SALE BILL:—Mr. Jones, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 27th August, 1890; together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.

* * * * *

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1890.

TUMUT SCHOOL OF ARTS SITE SALE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred on the 27th August, the "*Tumut School of Arts Site Sale Bill*,"—beg to report to your Honorable House:—

That they have examined the witness named in the margin* (whose * Mr. John Weeden. evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

TRAVERS JONES,
Chairman.

*No. 3 Committee Room,
Sydney, 3 September, 1890.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 3 SEPTEMBER, 1890.

MEMBERS PRESENT:—

Mr. Jones,	|	Mr. Lakeman,
Mr. Barnes,	|	Mr. Cullen.

Mr. Jones called to the Chair.

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

Printed copies of the Bill *referred*, together with original Petition to introduce the same, before the Committee.

John Weeden (*one of the Trustees*) called in, sworn, and examined.

Witness *produced* Deed of Grant of the land proposed to be sold.

Room cleared.

Preamble considered.

Question, "That this Preamble stand part of the Bill," put and passed.

Clause 1 read and *agreed* to.

Clause 2 read, * amended, and *agreed* to.

Clauses 3, 4, and 5 read and *agreed* to.

Schedule read and *agreed* to.

Title read and *agreed* to.

Chairman to report the Bill with amendments to the House.

* See Schedule of Amendments.

SCHEDULE OF AMENDMENTS.

Page 2, clause 2, line 59. *Omit* "mortgage or"

Page 3, clause 2, line 3. *Omit* "mortgage or"

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

TUMUT SCHOOL OF ARTS SITE SALE BILL.

WEDNESDAY, 3 SEPTEMBER, 1890.

Present:—

MR. BARNES, | MR. CULLEN,
MR. LAKEMAN.
TRAVERS JONES, ESQ., IN THE CHAIR.

Mr. John Weeden sworn and examined:—

1. *Chairman.*] You are President of the Tumut School of Arts? —
2. You have brought this Bill before Parliament because the old dedicated site was not a suitable one upon which to erect a building? Yes.
3. And you have purchased a new site? Yes, and paid for it.
4. Have you got the grant of the dedicated site? Yes. [*Deed produced along with transfer.*]
5. *Mr. Lakeman.*] That is the old site? Yes, and it is partly vested in the new trustees as well.
6. *Chairman.*] The new site is put in trust already? Yes; the deed is in course of preparation, and I have no doubt it will be in Sydney to-day for registration.
7. Are you aware that Mr. Emanuel refused to sign the petition? Yes, I am.
8. And he has withdrawn that opposition? Yes; he has written me the following letter:—

Mr. J. Weeden,

Dear Sir,

158, Pitt-street, Sydney, 2 September, 1890.

Though I could not resist letting you know my opinion of the Committee of the Tumut Mechanics' Institute in their action towards me, yet from your explanation you at any rate seem not to blame, and as I believe the Bill is, in the interests of the District, one that should be passed, I shall do nothing to prejudice it.

Yours truly,
A. EMANUEL.

Mr.
J. Weeden.
3 Sept., 1890.

9. What was the difference between the committee and Mr. Emanuel? Nothing whatever. The committee thought it desirable that he should not be a new trustee simply because he is a non-resident of the district, and they thought that all the trustees of the new site should be permanent residents of the district.
10. I believe there is a provision in the trust that any trustee not residing for a space of six months in Tumut shall not be liable? I do not know that, but I see by the new Bill that powers are given.
11. Will you state the position in regard to the new site;—what have you paid for it? We have paid £450 for the new site. We have from £280 to £300 in the bank.
12. That is independent of what will be realized by the sale of the old site? Yes.
13. *Mr. Barnes.*] And your site is paid for? Yes, and we have also partly entered into a contract for a new building, to cost something like £700. The only delay in the matter now is due to the architect in Sydney having to modify the specifications. An elaborate plan was prepared, and the cost of the proposed building came to £900 or £1,000, and we have made a few alterations to bring the cost within our means. I may state that the new site is of far greater value now than when it was bought. It is situated right in the centre of the town.

14.

Mr.
J. Weeden.
3 Sept., 1890.

14. *Mr. Cullen.*] What is the estimated value of the old site? We have had a promise of £250 for it, but it is probable that it will realise more than that.
15. I notice in clause 2 of the Bill a reference to any proposed mortgage;—did you intend to ask for powers of mortgage? Not for the old site. If the Bill is passed we intend to sell the site; but if you put the question as to whether we should require any powers to mortgage the new site, it is probable we might require some power, because it is a certain fact that we shall not have sufficient money to complete the new building without mortgaging.
16. I don't think that you can do that under the order of leave? I certainly say that we do not intend to mortgage the present site at all; we intend to sell it right out.
17. *Mr. Barnes.*] If you wish to borrow money to finish your new building it will be borrowed upon your new ground? The Bill, I understand, only deals with the sale of the old site.
18. *Mr. Cullen.*] You have taken the necessary steps, in accordance with your rules and constitution, to get the approval of the institution for this Bill? Yes. On Tuesday, July 20th, 1889, a resolution was adopted, to the effect that Mr. Jones should be written to, requesting that he would take the necessary steps for the resumption of the lands, granted to the institute, on Telegraph Hill, and to cause the proceeds of the same, when sold, to be devoted to the building fund of the new institute.
19. *Chairman.*] That was passed at a committee meeting? I think it was at a special meeting of members.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

WAGGA WAGGA CATTLE SALE-YARDS BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
14 *August*, 1890.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 25. TUESDAY, 24 JUNE, 1890.

4. WAGGA WAGGA CATTLE SALE-YARDS BILL (*Formal Motion*):—Mr. Gormly moved, pursuant to Notice,—
- (1.) That the Wagga Wagga Cattle Sale-yards Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Perry, Mr. Paul, Mr. Lakeman, Mr. Jones, Mr. McCourt, Mr. Barnes, Mr. Curley, Mr. Waddell, Mr. Barbour, and the Mover.
- Question put and passed.
-

VOTES NO. 48. THURSDAY, 14 AUGUST, 1890.

2. WAGGA WAGGA CATTLE SALE-YARDS BILL:—Mr. Gormly, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee, for whose consideration and Report this Bill was referred on 24th June, 1890; together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.
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1890.

WAGGA WAGGA CATTLE SALE-YARDS BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly for whose consideration and report was referred, on 24th June, 1890, the "*Wagga Wagga Cattle Sale-yards Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose See list, page 4. evidence will be found appended hereto); and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the Bill, in which it was deemed necessary to make an amendment.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

JAMES GORMLY,
Chairman.

No. 3 Committee Room,
Sydney, 13th August, 1890.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 9 JULY, 1890.

MEMBERS PRESENT:—

Mr. Gormly,	|	Mr. Waddell,
Mr. McCourt,	|	Mr. Copland,
Mr. Paul,	|	Mr. Curley,
		Mr. Barnes.

Mr. Gormly called to the Chair.

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

Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.

David Copland, Esq., M.L.A. (*a Member of the Committee*), sworn, and examined in his place.

Alexander Thorley Bolton, Esq., called in, sworn, and examined.

Room cleared.

Committee deliberated.

Reassembling of the Committee to be arranged by the Chairman.

[Adjourned.]

WEDNESDAY, 13 AUGUST, 1890.

MEMBERS PRESENT:—

Mr. Gormly in the Chair.

Mr. Lakeman,	|	Mr. McCourt,
		Mr. Barnes.

Alderman John Jeremy called in, sworn, and examined.

Witness withdrew.

Robert Bliss Wilkinson, Esq., M.L.A., called in, sworn, and examined.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Clauses 1, 2, 3, 4, and 5 read and *agreed to*.

Clause 6 read, amended*, and *agreed to*.

Clauses 7 and 8 read and *agreed to*.

Title read and *agreed to*.

Chairman to report the Bill, with an amendment, to the House.

* See Schedule of Amendment.

SCHEDULE OF AMENDMENT.

Page 2, clause 6. *Add* to clause, “Provided further that the said Council shall have only the power to levy one-half the same rates and charges which are chargeable in the Municipal Sale-yards for a period of two years from the passing of this Act but thereafter the said Council shall have power to levy the full rates and charges as aforesaid for or in respect of any yards or premises situated within the aforesaid limits which shall before the commencement of this Act have been established and which are now being used for the *bonâ fide* purpose of holding sales of cattle thereat but the said privilege of paying only such half rates and charges as aforesaid shall not extend to any proprietor of any such last-mentioned yards or premises unless he shall within one month after the date of the passing of this Act have given notice to the Council by writing under his hand that he claims the said privilege but such privilege shall absolutely cease and determine if at any time after the date of the passing of this Act no sale of cattle shall have taken place at such yards or premises for a continuous period of six calendar months.”

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1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WAGGA WAGGA CATTLE SALE-YARDS BILL.

WEDNESDAY, 9 JULY, 1890.

Present:—

MR. BARNES,		MR. GORMLY,
MR. COPLAND,		MR. McCOURT,
MR. CURLEY,		MR. PAUL,
	MR. WADDELL.	

JAMES GORMLY, Esq., IN THE CHAIR.

David Copland, Esq., M.P., sworn, and examined in his place:—

1. *Chairman.*] You are a Member of the Legislative Assembly, and a resident of Wagga Wagga? Yes.
2. Have you heard any opinion expressed as to the necessity for having municipal cattle sale-yards erected within the borough of Wagga Wagga? There has been much talk on the subject for some considerable time, and the general feeling is that there is a great necessity for the erection of such yards, as it is believed that they will be advantageous to the people of the district in regard to selling cattle and stock.
3. Having looked at the Bill before the Committee, you think it is necessary that the borough council should be allowed "to purchase land within the borough to erect and maintain cattle sale-yards"? Yes.
4. You think that the residents of the town and persons interested in the sale of stock are favourable to the proposal? I believe they are particularly anxious to get public sale-yards, as there has been much trouble in regard to the existing sale-yards—one of them being out of the way, and the other being in the middle of the town. A great many complaints have arisen that there is not one cattle sale-yard in which the stock can be concentrated; and the people saved the trouble of running from one place to the other.
5. Are there a number of overland stock from Queensland and the northern portions of this Colony going through Wagga Wagga for the purpose of being sold? Yes. If Wagga Wagga had proper public cattle sale-yards, I believe it would check a great many cattle from going over to Victoria to be sold; they would be sold in Wagga Wagga.
6. Are there a large number of cattle and sheep salesmen in Wagga Wagga? A good many.
7. Many of the members of these firms are auctioneers? Yes.
8. Are cattle sales held there periodically? Yes; two or three times a month—in fact, I might say almost weekly.
9. You think that there is a great necessity for establishing public sale-yards? I do.
10. *Mr. Paul.*] The Bill provides for the erection of cattle sale-yards within the borough;—do you think that is desirable? I think there is sufficient land in the borough to enable that to be done; it would not interfere with the town in any way.
11. Does not the Municipalities Act prevent the removal or the reception of cattle within certain hours? I think there is no by-law to that effect in Wagga Wagga.
12. Would it not be a source of danger to the inhabitants to have sales of wild cattle held within the borough? The borough covers a large area. I do not think that it would affect the inhabitants in any way.

D. Copland,
Esq., M.P.
9 July, 1890

- D. Copland,**
Esq., M.P.
9 July, 1890.
13. *Chairman.*] What distance is the eastern boundary of the borough from the centre of the town—from the “Royal George Hotel”—is it 3 miles? About $2\frac{1}{2}$ miles.
14. Does the borough extend on the lower side, down the river, about the same distance? Yes.
15. In the southern direction the borough does not extend so far from the centre of population? No.
16. Your property is situated on the border of the borough? Yes. I should think that the boundary of the borough in that direction would be $1\frac{1}{2}$ mile from the centre of the town, and $2\frac{1}{2}$ miles in other directions.
17. There is plenty of vacant land on the north side, where there are few inhabitants located? Yes.
18. Half of the land embraced within the borough is situated on the northern side? Yes; there are very few people living on that side.
19. So that the borough would be about 5 miles square? I should think it would. I think that there is ample room for cattle sale-yards within the borough.
20. *Mr. Paul.*] Have you any idea whether the borough council has any particular site in view for the erection of municipal cattle sale-yards? I have not heard.
21. Do you think the ratepayers are willing to have wild cattle driven to cattle sale-yards within the borough? I do not think it would interfere with them in any way, as the cattle could be taken round the town without going through the town.
22. *Chairman.*] The existing cattle sale-yards are very near the centre of the town, or adjoin the populous portion of the town? They immediately adjoin.
23. A suitable site could be procured within the borough at a greater distance from the centre of population than the site of the existing yards? Yes. The existing yards are within a stone's throw of the centre of the town. I suppose they are a quarter of a mile from the centre.
24. *Mr. McCourt.*] Don't you think it would be better that the borough council should also ask for power to erect cattle sale-yards outside the borough, as otherwise owners of land within the borough might be disposed to put up the price? I think so. I am informed by Mr. Hayes, one of the Members for the Hume, that the Albury cattle sale-yards are working admirably.

Alexander Thorley Bolton called in, sworn, and examined:—

- A. T. Bolton.**
9 July, 1890.
25. *Chairman.*] You are a stock and station agent, residing at Wagga Wagga? Yes.
26. I think you have cattle sale-yards at Wagga Wagga? Yes.
27. Have they been erected long? About six years, I think.
28. You use the yards in connection with cattle sales? Yes.
29. And you put stock in which are not sold by auction, but are sold privately? Yes.
30. Do any other stock and station agents use your yards? Yes. I have an understanding with three firms that in consideration of their paying me so much per annum for the privilege of selling in my yards they shall enjoy exactly the same privileges in that respect as I do; but they have no privilege other than that of selling.
31. Have you seen a copy of the Bill before the Committee? I have.
32. Have you considered its provisions? Yes.
33. The Committee are desirous of hearing your opinion as to the necessity for introducing the Bill, and as to whether you think any of its clauses are desirable or undesirable? My private opinion is that the population would be better without erecting public sale-yards in the way suggested. I admit at once that I appear before the Committee as an absolutely prejudiced person in that respect, being the owner of cattle sale-yards myself. I think that the tendency would be for the cattle to pass on if the fees payable were heavy. I wish distinctly to say that opinion may or not be absolutely prejudiced on my part. I have no objection to the Bill beyond this objection, that in the Bathurst Cattle Sale-yards Act, as well as in the Albury Cattle Sale-yards Act, the following provision is made in regard to vested interests:—“Provided that the fees or charges levied upon cattle brought to other sale-yards shall not exceed those levied upon cattle yarded in or brought to the sale-yards established under this Act. Provided further, that the said Council shall have only the power to levy one-half the same rates and charges which are chargeable in the municipal sale-yards for a period of six years from the passing of this Act, but thereafter the said Council shall have power to levy the full rates and charges as aforesaid for or in respect of any yards or premises situated within the aforesaid limits which shall before the commencement of this Act have been established, and which are now being used for the *bonâ fide* purpose of holding sales of cattle thereat; but the said privilege of paying only such half-rates and charges as aforesaid shall not extend to any proprietor of any such last-mentioned yards or premises, unless he shall within one month after the date of the passing of this Act have given notice to the Council by writing under his hand that he claims the said privilege; but such privilege shall absolutely cease and determine if at any time after the date of the passing of this Act no sale of cattle shall have taken place at such yards or premises for a continuous period of six calendar months.” In view of the fact that my yards have cost more money than did the Albury sale-yards, I think that I am entitled at least to the same consideration as the proprietors of the Albury sale-yards received.
34. *Mr. Paul.*] Are your sale-yards erected within the borough? Yes.
35. Are you aware that the yards referred to in the Bathurst Act were erected outside the borough? No.
36. Don't you think there is great danger in having public cattle sale-yards within a borough? No, more especially so in this instance, because my yards are approachable from Government land that is gazetted as a camping-ground, and because they front a main road, which is purposely left as a “draft-away” for stock. All the stock going away from the north to the south—that is, from Queensland to Victoria—must pass the gate of my yards.
37. Under the Municipalities Act, can you not be prevented from taking in or sending out cattle during certain hours? I think not; at any rate, as regards all the cattle that go *via* Wagga Wagga, it is an absolute necessity they should pass the gate of my yards.
38. *Chairman.*] Is that caused by the stock having to cross the bridge? It is caused by stock having to cross the bridge or to cross the ford below the bridge, and the land approaching that ford is gazetted as a public camping-ground.
39. *Mr. Paul.*] As the proprietor of cattle sale-yards, would you be quite satisfied with the concession made in the Bathurst Act? Well, my yards have cost me a great deal of money. I built them at a time when other people would not accept the responsibility. I suppose that, like other people, I want all I can get, but, at the same time, I have no desire to be unreasonable.

A. T. Bolton.

9 July, 1890.

40. You would be satisfied if you could get that concession? I will be satisfied.
41. *Mr. McCourt.*] Is there any likelihood of the Borough Council buying your yards—the site of your yards is the best site, I suppose? The Mayor and two aldermen waited upon me once to ascertain if I would sell my yards, and they rather apologized for waiting upon me. I told them that I had only four things which were not for sale, namely, three children and a wife, and that I was perfectly willing to sell my yards.
42. Is your land the best site within the borough for the municipal yards? Yes, it is generally acknowledged to be so. Mr. Copland has an intimate knowledge of the matter.
43. The Bill provides only for the construction of cattle sale-yards within the borough;—do you think it would be better to give the Borough Council power to construct sale-yards either within or adjacent to the borough, for a better site may be found adjoining the borough? I do not think so.
44. Do you think that such power ought to be given in the Bill? I do not.
45. Don't you think that they would be able to buy a site within the borough at a lower figure if they also possessed the power to buy a site outside the borough? As far as the question of site is considered they might be able to buy a site more cheaply, but the drawback to that matter would be that the people who come into town on certain days, and have business to do in the town, could not afford the time to go any distance away, and in order to obtain a suitable site outside the borough the Council would have to go some considerable distance. Another feature is that to a moderately correct extent the borough is divided into two parts by the Murrumbidgee River. So that if you were to remove the cattle sale-yards to the northward they would be too far away from the main population in the south; while, on the other hand, if you were to remove them too far to the southward they would be too far away to suit the convenience of the people living in the north. Then again there are only a few suitable sites within the borough. I think that either my land or the land adjoining is the best for the purpose.
46. The Borough Council would be compelled to buy either your land or another piece of land in the town? Yes; but this land, though it is quite adjacent to the town, must be looked upon rather as suburban land. As regards the land which is occupied by my sale-yards, I had occasion a short time ago to apply to the Government for the purchase of some unnecessary roads, and at that time the local Land Board valued my land at £25 per acre.
47. *Mr. Paul.*] How many acres? They valued just the road—some 5 or 6 acres.
48. Do you think that the erection of municipal cattle sale-yards would be to the public interest? I don't think it would; I think that the population would be better without the tax; I hardly like making that remark because it has the appearance of being dictated by self-interest.
49. Is there any monopoly in connection with the present cattle sale-yards;—do the owners of those yards ever prevent cattle from coming in for sale by allowing any owner to engage the yards either days or weeks ahead, for the sale of his own cattle, to the exclusion of all other cattle? No; the only yards that are within the borough, except my own, are quite inadequate for anything like the number of stock coming in. They are in the most dilapidated condition at the present moment. I fancy that pending the passing of this Bill they have not done anything to keep them in repair, and, as a matter of fact, they are falling down. My yards are in a perfectly good state of preservation, and capable of drafting and yarding 2,000 head of cattle in a day, which, as my friend Mr. Copland knows, I did on one occasion. I have, of course, a certain amount of monopoly in this respect, that the other auctioneers cannot sell in my yards without paying me, and in that regard they enjoy the same privileges as I do. At one time, when there was some little talk about the sale-yards, I made this offer to the other auctioneers: That I would put my yards under a committee of management, and take my chance of being elected a member of that committee, if they would pay me whatever fee the committee might think fair, but the objection was taken that I would then have the privilege of selling without charging for yard dues. I met that objection by saying that I would lodge any substantial cash deposit they might wish as a guarantee that I would charge the same dues as they did, and take my chance of being elected on the committee. In other words, I put every auctioneer in the district in the same position as myself. I offered to hand over my yards to a committee of management, exacting only such yard fees as their own committee might fix, but my offer was not accepted.
50. In regard to the Bathurst Cattle Sale-yards Bill, it was stated in the evidence that stockowners were in the habit of engaging the sale-yards for weeks in advance, to the complete exclusion of all other stockowners;—has anything of that kind ever occurred in connection with the Wagga Wagga sale-yards? No; on the contrary, they have not engaged my yards half enough. As a matter of fact I am under an engagement with these other men. It is, that upon certain payments they shall enjoy the same privileges as I do of selling on Saturdays; and that, in regard to other days, upon giving four days' notice any firm can monopolize the yards for one day, and one day only.
51. *Mr. McCourt.*] Is your engagement for a term of years? As a matter of fact the time has expired. As a matter of mutual confidence we have let it run on.
52. Then they are free to sell in any other sale-yards? Yes. There was an understanding, however, that the arrangement should cease in the event of public sale-yards being erected.
53. *Mr. Waddell.*] Do your yards afford sufficient accommodation for all the stock brought into the town for sale? They afford far and away more accommodation than would be required.
54. *Chairman.*] Have you any other evidence to give? No. I should like to state that I am here to-day purely by accident. I really think that I am entitled to the same amount of consideration that other people have received. I do not wish to put forward my views in any aggressive spirit, but I would suggest to the Committee that as a matter of fair dealing I am deserving of equal consideration.

WEDNESDAY, 13 AUGUST, 1890.

Present:—

Mr. BARNES,

Mr. LAKEMAN,

Mr. McCOURT.

JAMES GORMLY, Esq., IN THE CHAIR.

John Jeremy sworn and examined:—

- J. Jeremy. 55. *Chairman.*] Are you an alderman of the Borough Council of Wagga Wagga? Yes.
- 13 Aug., 1890. 56. Have you been requested by the Mayor and Council to attend here to give evidence respecting this Bill? Yes.
57. Are you a stock and station agent at Wagga Wagga? Yes; I am one of the firm of Thompson, Manning, and Jeremy. I am the auctioneer. I conduct auction sales for the firm every Saturday in the pastoral yards at Wagga Wagga.
58. Are those yards situated in the centre of the town? Yes.
59. Are they situated in such a place that it would not be advisable to continue their use for large drafts of cattle, horses, or sheep? Yes. In the first place, the pastoral yards are not large enough;—you cannot sell there more than 100 head of cattle, 40 horses, and 1,000 sheep. It would be dangerous to have large mobs of cattle going to the pastoral yards for sale.
60. In approaching these yards, have the cattle to go through some of the main streets of the town? Yes; but as a rule only milkers, horses, and small lots of sheep are driven there. We could not sell any wild cattle or large mobs of Queensland cattle there.
61. Is Wagga Wagga situated on one of the main travelling stock routes from Queensland and the northern districts of New South Wales for the Melbourne market? Yes; and the stock route goes right through the borough.
62. Will there be any danger to the residents of the town by establishing yards within the borough? Not the slightest.
63. Is there a large quantity of land within the municipal boundaries not built upon? Yes. There is a large quantity both north and south where there is land suitable for the erection of yards, and it would not be at all dangerous to have yards erected on that land.
64. Is the Borough of Wagga Wagga 5 or 6 miles long by 5 or 6 miles wide? Yes, about that.
65. Is the town moderately compact? It is a very compact town from the railway-station down to the bridge, and it does not spread out much east or west.
66. Have the mayor and aldermen requested you to attend before this Committee to show the necessity for having cattle sale-yards in Wagga Wagga, and are you prepared to give any reasons for taking that course? We think that the proposed yards are a public necessity, and on the 16th April, 1886, a petition was sent to the Borough Council in favour of the erection of cattle sale-yards, and that petition was signed by all the principal business people in the town.
67. Are there a number of stock and station agents in Wagga Wagga who hold auction sales of stock? Yes; there are about eleven firms in Wagga Wagga who hold auction sales of stock—that is to say, that there are about twenty-three or twenty-four individuals who are engaged in that business.
68. Do those firms hold auction sales at intervals? Every Saturday at least four or five firms hold auction sales in the pastoral yards. In the yards owned by Mr. Bolton three other auctioneers have the privilege of selling. I think they pay Mr. Bolton £30 a year each for the right of selling there; but there is a proviso that if they sell in any other yards they will be ostracized—they will not be allowed to sell in Mr. Bolton's yards again. We find that the public prefer selling their stock in the pastoral yards. They do not care about going down to Bolton's yards. If we went to Bolton's yards and paid a fee there we would not then have the privilege of selling in the yards where the public want us to conduct their sales.
69. Are you of opinion that if there were municipal cattle sale-yards at Wagga Wagga the sales there by auction and otherwise would be increased? Yes; I feel perfectly satisfied that that would be the case.
70. Do you think that there is a pressing necessity for having new yards erected? Yes, immediately. I have had to refuse three different lots of cattle of 1,000 head each simply because we had not the accommodation for selling, and they went somewhere else. I asked Mr. Bolton for permission to sell in his yards, and he said he would let me know by writing me a note. Two or three days afterwards he wrote, after the cattle had come, stating that he was sorry he could not let me sell there, and so the cattle passed by. In another instance I had 700 head of cattle from Queensland, and I asked for permission to sell at Mr. Bolton's yards. He said he would write me a note, and at the last moment I found he could not give me the accommodation. Then I had to write to the Railway Commissioners for permission to sell in the railway trucking-yards, because the cattle had to be sold in Wagga Wagga. The permission was granted upon payment of 6d. per head. I sold the cattle there, but the railway trucking-yards are not at all suitable for selling cattle, because you cannot class them. I produce returns showing the stock sold in the Borough of Wagga Wagga during the last twelve months. The totals are,—1,584 horses, 4,963 head of cattle, 23,704 sheep. Out of these totals, 38 horses, 1,189 cattle, and 5,000 sheep were sold in Mr. Bolton's yards by the three auctioneers who sell there. Mr. Bolton would not give me a return of the number which he sold himself, and of course he is quite right; but I may say that his yards are not in favour with the public, and very few sales have been held in Bolton's yards lately.
71. *Mr. Lakeman.*] Where are Bolton's yards situated? Across the bridge, where the old show-ground was situated, on the south side. Another great reason why we should have the proposed yards is that, from 17th April, 1889, to 18th April, 1890, inclusive, it is estimated that 23,000 cattle passed through Wagga Wagga for Wodonga and Albury for sale, and also 82,000 sheep. The year previously 150,000 sheep and 25,000 head of cattle passed through. We are of opinion that if we had any proper accommodation for selling large mobs of cattle or sheep in Wagga Wagga we could sell a large portion of the cattle and sheep which now go through.
72. *Mr. Barnes.*] Are Bolton's yards big enough? Yes.
73. Are the public in favour of buying those yards? They are not, as far as my experience goes.
74. Do you think a more suitable position round Wagga Wagga could be obtained for the yards? Yes; inside the borough. I think a more suitable position could be obtained near the railway, where we could untruck the stock for sale and truck them again.

75. Would the cattle have to go through the town to get to the yards you suggest? The stock route goes through the town, but the stock do not go through the populated part of the town. J. Jeremy.
76. Is there plenty of room for going through the town where you propose your yards should be? Yes. 13 Aug., 1890.
77. *Chairman.*] Does all the travelling stock which go through Wagga Wagga go through the borough? Yes; they come in from Junee, Gundagai, and all other places on their way to Albury and Wodonga.
78. *Mr. McCourt.*] Should not provision be made in the Bill to protect private interests;—seeing that this Bill, as soon as it is passed, will impose dues upon the sale of cattle, will that be just to those who own sale-yards at present? Yes; because the yards in existence at present are not in favour. Bolton's yards are not in favour, and the pastoral yards are not large enough. I do not think any injustice will be done, and up to the present I think the public have suffered a great injustice.
79. What do you think is the value of the pastoral yards? The auctioneers have had lately to spend £20 in putting those yards in order. They are in a very dilapidated state. That was done by the auctioneers, and not by the landlord.
80. What are those yards worth? I do not think they are worth more than £100.
81. What are Bolton's yards worth? I should think the improvements there are worth £700 or £800—that is the material alone—and I am not referring to the value of the land.
82. Do you not think that his vested interests require some protection in the Bill? He has had the yards for four or five years, and he has been getting a certain amount of rent from other auctioneers for them.
83. In other Cattle Sale-yards Bills which have been passed there is a provision that the municipal council should only have power to levy on other sale-yards one-half of the rates charged in the municipal sale-yards for a period of five years after the passing of the Act;—do you not think that that would be a fair provision to insert in this Bill with regard to private sale-yards in Wagga Wagga? No. I think if compensation is to be given at all it should be given in the shape of a lump sum right out. I do not say that any compensation should be given. I think the suggested provision would be wrong, because it would put the auctioneers who did not use the private yards in a bad position.
84. *Mr. Lakeman.*] In the case of the Albury Sale-yards Bill, Mr. Griffiths, like Mr. Bolton, made out a case before the Parliamentary Committee. He said that if it had not been for his yards the stock sales would never have been so large at Albury, and the Committee agreed that only half-fees should be charged in the case of private yards for five years. Do you think that should be done here? No; because in this instance business has not been encouraged by Bolton's yards. They are used, but only by a few auctioneers, and there are ten or eleven auctioneers who cannot do any business there.
85. If you say that no business would be done in Bolton's yards, what harm would there be done by allowing them to sell for half-rates for a few years? Because he would be placed in a better position than the other auctioneers.
86. *Chairman.*] Have you any further evidence to give in favour of the Bill? The population of the district of Wagga Wagga is about 10,000. The country along the river flats is particularly suitable for depasturing cattle, and if the graziers there want to buy stock they have either to buy privately, or they have to go to Albury, Wodonga, Goulburn, or some other place.
87. Are you aware, from your own knowledge, that the municipal yards at Albury have been a success, and that they have been the means of increasing the number of stock sold there? Yes, to an enormous extent. The yards have only been erected three years, and the dues collected have paid for the cost of the yards. It is very hard that we should have to let all the stock pass through Wagga Wagga to be sold in Victoria. Most of the stock goes to Wodonga, and is sold there simply because we have not yards at Wagga Wagga.
88. Are you of opinion that the number of persons who come in to do business in Wagga Wagga on Saturdays has very much increased during the last few years? Yes; there is no doubt about that.
89. Do they come to buy and sell stock? Yes. I know my sales are increasing every week. I have only been in business in Wagga Wagga for two years, and I have a splendid auction business, as far as it goes, but I cannot put up a sufficient number of stock for want of accommodation. I have already mentioned three instances where I have refused to sell stock for want of accommodation, and in another instance Mr. George Mulholland wanted me to sell 800 head of cattle, and I applied for permission to sell them in Bolton's yard, but at the last moment he refused permission, and I had to send the cattle home again.
90. *Mr. Lakeman.*] Has Mr. Bolton, through the erection of his yards, established a business that would not have existed otherwise, and as he met a public want? No; simply because he will not allow other auctioneers to sell in his yards. The privilege of selling there is limited to three.
91. *Mr. McCourt.*] Mr. Bolton, in his evidence before the Committee, said, "I have of course a certain amount of monopoly in this respect, that the other auctioneers cannot sell in my yards without paying me, and in that regard they enjoy the same privileges as I do. At one time, when there was some little talk about the sale-yards, I made this offer to the other auctioneers: That I would put my yards under a committee of management, and take my chance of being elected a member of that committee, if they would pay me whatever fee the committee might think fair, but the objection was taken that I would then have the privilege of selling without charging for yard dues. I met that objection by saying that I would lodge any substantial cash deposit they might wish as a guarantee that I would charge the same dues as they did, and take my chance of being elected on the committee. In other words, I put every auctioneer in the district in the same position as myself. I offered to hand over my yards to a committee of management, exacting only such yard fees as their own committee might fix, but my offer was not accepted." Do you not think that was fair? That did not take place during my time. It did not come within my knowledge, and we cannot do that now.
92. Does he not seem to have acted very fairly, according to that statement? I have offered to pay him so much per head for selling cattle, but he would not accept it.
93. Are you not aware of his having made the offer stated in his evidence? I have heard something about it, but another alderman puts it in another light altogether. He says Mr. Bolton wanted the yards to be specially called "Bolton's Yards," and there was a dispute about it. The matter was not fixed up at all.
94. Are you still of opinion that Mr. Bolton is not entitled to any consideration? Yes; simply because he has not satisfied a public want. Personally, Mr. Bolton is a friend of mine, and I have nothing to say against him. He is a straightforward, fair-dealing man, but he is looking after his own interests.

- J. Jeremy.
13 Aug., 1890.
95. *Mr. Lakeman.*] Do you swear that you cannot come to the arrangement described by Mr. Bolton now? Yes; I asked for the use of his yards, and offered to pay him, but he declined, and so have others.
96. *Mr. McCourt.*] But was not that for a special purpose? Yes. I suppose he refused because we will not go into the compact to sell only in his yards. It is not fair that we should be limited to one place. It would not suit me to enter into that arrangement, because the public will not go to Bolton's yards.
97. *Mr. Lakeman.*] Why not? I suppose simply because they are a little bit out of town. The yards just now are in a very bad state.
98. *Chairman.*] Are the pastoral yards in the best situation for small lots? Yes; they are right in the middle of the town. We sell in the morning, and Bolton sells in the afternoon.
99. *Mr. McCourt.*] Do you sell more cattle than Bolton does? Yes; I sell seventy, eighty, or a hundred head every week.
100. *Chairman.*] The chief necessity is to provide yards for the sale of a large number of stock? Yes. The return for my firm for thirteen months is 479 horses, 1,771 head of cattle, and 10,000 sheep.
101. *Mr. Lakeman.*] Mr. Bolton, in his evidence, says:—"Is your land the best site in the borough for municipal yards? Yes; it is generally acknowledged to be so." Do you agree with that statement? No; I think it would be better to have a site near the railway. I do not think Bolton's is the best site. Bolton's yards are ankle deep in mud in wet weather.
102. *Mr. McCourt.*] I suppose you do not sell much more than Mr. Bolton? I cannot tell what Mr. Bolton's returns are. He can sell large lines, whereas I can only sell small lots owing to the capacity of the yard.
103. Still, sales are held at Bolton's yards? They go there, but not in large numbers.

R. B. Wilkinson, Esq., M.P., sworn, and examined:—

- R. B. Wilkinson,
Esq., M.P.
13 Aug., 1890.
104. *Chairman.*] Does your firm carry on business in Wagga Wagga? Yes; the firm is Wilkinson, Lavender, and Chapman.
105. Are you of opinion that it is necessary that the Municipal Council of Wagga Wagga should have authority to erect cattle sale-yards? I think it would be a very great advantage to the place if there were municipal yards there.
106. Do you know the character of existing yards? No, except that I have seen them.
107. Has it come under your notice that sufficient accommodation is not provided for the sale by auction of a large number of stock? From my own personal knowledge I cannot say, but from the reports of our manager there I think the accommodation is not sufficient at the present time, because if they had larger yards, and public yards, more stock would be induced to go there, and there would be a larger sale for stock travelling down towards Wodonga. Instead of going on as they do now to Wodonga, they would be first of all tried at Wagga Wagga.
108. Has your firm a large number of stock travelling through Wagga Wagga for sale? Yes.
109. Is Wagga Wagga situated on one of the main travelling stock routes from Queensland to the southern districts and Victoria? Most of the cattle sold at Wodonga come through Wagga Wagga from Queensland and the northern districts.
110. Is there a large number of stock in the Wagga Wagga district? Yes.
111. Are there a great many cattle on the river flats, where the country is not suitable for sheep? Yes; there are a great many paddocks about for fattening, and there are a large number of selectors. If there were public yards at Wagga Wagga people would be induced to send cattle there for sale by auction in small lots, and the cattle would be distributed by that means among the various selectors and landholders who are not able to take a big mob of cattle where they have grazing-farms along the Murrumbidgee flats.
112. *Mr. McCourt.*] What yards do your firm sell in? Not in any for some time. We generally sell privately. If we had yards there available for the public at all times we would often try to sell cattle by auction that we now send on to Wodonga.
113. *Chairman.*] Then large mobs of cattle going through the country, which are in the hands of your firm for sale, cannot be conveniently offered for sale at Wagga Wagga for want of public sale-yards? That is one of the reasons why we have never offered any there.
114. They are offered at Albury and Wodonga? Yes. We have two lots of cattle coming down now which I believe we would offer for sale at Wagga Wagga if there were municipal yards there. As it is, they will go on to Wodonga.
115. Does your firm do a large business in that district? Yes; ours is the oldest firm in the district.
116. *Mr. Barnes.*] Do you know the situation of Bolton's yards? Yes. I have been told by our manager that they are not convenient, and that they are not used. They would be suitable if the ground was better. They are on a flat, and they are cut up tremendously. Otherwise I should say that they are conveniently situated.
117. Do you think that sites are to be obtained within the boundaries of Wagga Wagga which would be equally as good as the existing yards? Yes.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

WILLOUGHBY AND GORDON TRAMWAY
ACT AMENDING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
20 *May*, 1890.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 7, TUESDAY, 13TH MAY, 1890.

8. WILLOUGHBY AND GORDON TRAMWAY ACT AMENDING BILL (*Formal Motion*):—Mr. Cullen moved, pursuant to Notice,—
- (1.) That the Willoughby and Gordon Tramway Act Amending Bill be referred to a Select Committee, with power to send for persons and papers, for consideration and report.
- (2.) That such Committee consist of Mr. Bruce Smith, Mr. Edmunds, Mr. Burns, Mr. Henry Clarke, Mr. McCourt, Mr. Perry, Mr. Woodward, Mr. Howe, and the Mover.
- Question put and passed.
-

VOTES, No. 10, TUESDAY, 20TH MAY, 1890.

WILLOUGHBY AND GORDON TRAMWAY ACT AMENDING BILL:—Mr. Cullen, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and Report this Bill was referred on 13th May, 1890; together with a copy of the Bill as amended and agreed to by the Committee.

Ordered to be printed.

* * * * *

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1890.

WILLOUGHBY AND GORDON TRAMWAY ACT AMENDING BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 13th May, 1890, the—" *Willoughby and Gordon Tramway Act Amending Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the list* (whose evidence will be found appended hereto); and the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several clauses and the Schedules of the Bill, in which it was deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

J. F. CULLEN,
Chairman.

No. 3 Committee Room,
Sydney, 15th May, 1890.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY 15 MAY, 1890.

MEMBERS PRESENT:—

Mr. Cullen, | Mr. Burns,
Mr. Henry Clarke.

Mr. Cullen called to the Chair.

Entry from Votes and Proceedings appointing the Committee, *read* by the Clerk.Printed copies of the Bill *referred*, together with original Petition to introduce the same before the Committee.Present:—William Henry Moseley, Esq., of Messrs. Billyard, Moseley, and Andrews (*Solicitors for the Bill*).Gerard Phillips (*Mayor of St. Leonards*), called in, sworn, and examined.

Witness withdrew.

James Edmund Fitzgerald Coyle (*Engineer for the North Sydney Investment and Tramway Company, Limited*), called in, sworn, and examined.

Witness withdrew.

David Wilson (*Director of the North Sydney Investment and Tramway Company, Limited*), called in, sworn, and examined.

Witness withdrew.

William Henry Moseley, sworn and examined.

Witness *produced* plan showing proposed route of Tramway.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,” put and passed.

Solicitor called in and informed.

Clauses 1 and 2 read and *agreed to*.Clause 3 read, amended,* and *agreed to*.Clauses 4 to 13 read and *agreed to*.Clause 14 read, amended,* and *agreed to*.Clauses 15 to 17 read and *agreed to*.Clause 18 read, amended,* and *agreed to*.Clause 19 read and *agreed to*.Clauses 20 and 21 read, amended,* and *agreed to*.Clause 22 *negatived*.Clause 23 read, amended,* and *agreed to*.Clause 24 read and *agreed to*.Clause 25 read, amended,* and *agreed to*.Clause 26 read, amended,* and *agreed to*.Clause 27 read and *agreed to*.Clause 28 read, amended,* and *agreed to*.Clause 29 read and *agreed to*.Schedule A read, amended,* and *agreed to*.Schedules B, C, and D, read and *agreed to*.Title read and *agreed to*.

Chairman to report the Bill, with amendments, to the House.

SCHEDULE OF AMENDMENTS.

Page 3, clause 3, line 36.	<i>After</i> “lands”	<i>insert</i> “streets or roads”
” 3, ” 3, ” 37.	<i>After</i> “lands”	<i>insert</i> “streets or roads”
” 3, ” 3, ” 41.	<i>After</i> “lands”	<i>insert</i> “streets or roads”
” 5, ” 14, lines 51 to 56.	<i>Omit</i> “and the costs of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth less than the amount which shall have been offered by the said Company, in which case the whole costs of the arbitration, and also the costs of and incident to the said arbitration, shall be paid by the claimant”	
” 6, ” 18, line 18.	<i>After</i> “lands”	<i>insert</i> “or the Municipal Councils controlling the streets”
” 6, ” 20, ” 49.	<i>Omit</i> “Surveyor”	<i>insert</i> “sworn valuator under the Real Property Act”
” 6, ” 21, ” 51.	<i>Omit</i> “two Justices”	<i>insert</i> “a Court of Petty Sessions”
” 6, ” 21, ” 53.	<i>Omit</i> “them”	<i>insert</i> “such Court”
” 6, ” 21, ” 57.	<i>Omit</i> “Justices”	<i>insert</i> “Court”
” 6, ” 21, ” 58.	<i>Omit</i> “an able practical surveyor”	<i>insert</i> “a valuator as aforesaid”
” 7, ” 21, ” 1.	<i>Omit</i> “surveyor”	<i>insert</i> “valuator”
” 7, <i>Omit</i> clause 22.		
” 7, clause 23, line 17.	<i>Omit</i> “surveyor”	<i>insert</i> “valuator”
” 7, ” 25, ” 24.	<i>Omit</i> “surveyor”	<i>insert</i> “valuator”
” 7, ” 26, ” 33.	<i>Omit</i> “surveyor”	<i>insert</i> “valuator”
” 8, ” 28, ” 16.	<i>After</i> “lands”	<i>insert</i> “and shall also be advertised in the <i>Government Gazette</i> and a local newspaper.
” 8, Schedule A, line 33.	<i>After</i> “at”	<i>Omit</i> “the terminal point of the St. Leonards cable tramway, <i>insert</i> “its intersection with Falcon-street”

LIST OF WITNESSES.

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Coyle, J. E. F.	6
Moseley W. H.	8
Phillips, Gerard	5
Wilson, D.	7

*See Schedule of Amendments.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WILLOUGHBY AND GORDON TRAMWAY ACT AMEND-
MENT BILL.

THURSDAY, 15 MAY, 1890.

Present:—

MR. BURNS, | MR. H. CLARKE.
MR. CULLEN IN THE CHAIR.

W. H. Moseley, Esq. (of the firm of W. W. Billyard, Andrews, and Moseley), appeared as Solicitor for the Bill.

Gerard Phillips called in and examined:—

1. *Chairman.*] Where do you reside? I am Mayor of St. Leonards.
2. You have had before you a copy of a Bill to amend the Willoughby and Gordon Tramway Act of 1887? Yes.
3. Are you in a position to give us the opinion of your Council with regard to that Bill? The matter has been left in my hands. At my request it was referred to the By-laws Committee who were to have held a meeting last Tuesday, but the Council Clerk misunderstood a telephone message that I sent to him about another matter, and did not call a meeting of the By-laws Committee for that day. Then I instructed him to call a meeting of the By-laws Committee for to-day, and that was done, but after that had happened the ex-Mayor, Mr. Punch, and other members of the Committee said that they must go to the boatrace, and therefore it was impossible for a quorum to meet, but they requested me to attend this Select Committee and to give my views, in which they generally concur, in relation to this Bill.
4. In the main you believe there will be no objection on the part of your Council to the Bill? No, not at all, provided certain alterations are made which I shall have the honor to suggest directly.
5. Will you be good enough to mention such alterations? I might premise that there are certain proposed amendments to this Bill which I shall suggest entirely in the interests of the Municipality which I represent, but there are also some items in the Bill which, as a resident of the district, and a man having some knowledge of these matters, I should certainly advise the Committee to consider, for I think that possibly without the least intention on the part of the promoters of the Bill, injustices might occur, or difficulties might be thrown in the way of innocent persons in obtaining compensation. You will find when you read the Schedule of the Bill that this tramway does not go along our Municipal Council's roads, following them in a lateral direction, but crosses them at right angles, and consequently the drainage would be impeded. Therefore, it is absolutely necessary that provisions similar to those inserted in the Bill in relation to lands of private individuals which are crossed by the tramway, should be made applicable to the roads. We must take care that the Tramway Company should so arrange that the gutters shall not be stopped up and the flow of water prevented. I suggest that the words "streets or roads" should be inserted in those parts of clause 3 dealing with the liability of the company in respect of private lands through which the tram passes—that those words be added so as to cover any injury to Municipal streets. I also suggest that in the clause there should be a provision compelling the Company to restore the roads to as good a condition as they were in before being interfered with by the tramway.

G. Phillips.
15 May, 1890.

G. Phillips. 6. I presume that what you mean is that the saving clause with regard to lands crossed should also apply to streets and roads? Quite so—that is it. The features of the country there are very difficult, and on the route originally authorized the Company find great engineering difficulties in the way of making the tramway, and they therefore want to vary the direction in which it shall go. Clause 14 is a compensatory clause providing that in case of dispute between the parties, and on the matter being referred to arbitration if the arbitrators shall make an award amounting to one-fourth less than the amount the Company has offered to the claimant, in that case the claimant shall be compelled to pay all the costs of the arbitration. There the provision stops, but I say that there is just as much danger of the Company offering a great deal less than it ought to give to the persons whose property it takes, as there is danger of the person claiming asking more than the property is worth, and therefore I think that that clause should be made applicable to each party, so that if the Company offered to the claimant one fourth less than the amount the arbitrators award, the Company should then pay all the costs of the arbitration and of the award.

15 May, 1890.

7. You mean leave this as it is, but make the same provision apply to the Company as to claimants for compensation? Yes. In clause 18, I think, there should be inserted the words "or to the Municipal Council," otherwise the Company might damage the road in fifty places and not restore them. Speaking now not as a member of the Council but as one of the general public, I would suggest, in reference to clauses 20 to 25 inclusive, that some amendments are required. Those clauses relate to properties which have no ostensible owners—that is to say cases in which there is nobody in the Colony who can give a proper title to the land, or who can give a clean receipt for any amount of compensation that may be fixed. I object first of all to the appointment of a surveyor to value. Secondly, clause 21 says that the said surveyor may be appointed by two justices. I object to that. I say that the appointment should be made by a Court of Petty Sessions. Without wishing to be thought disrespectful to the magistrates as a body, of whom I myself am one, I would point out that unfortunately it does sometimes happen that people may be got who will do very discreditable things. I do not think it possible that the Company would be guilty of any fraud or act unjustly or unkindly, but it is not right that the clause should be left in such a way that there would be an opening for fraud. The valuator might have to determine the value of property belonging to persons absent from the Colony who could not defend their own rights, and I think that the person to be appointed should be a sworn valuator under the Real Property Act. Then I think the notice to be given under clauses 27 and 28 is not sufficient. It says that the notice must be left at the last known residence of the person concerned, and that should he be absent or not be discoverable the notice should be fixed on the land itself. I think the notice should be published in the *Government Gazette* and in the local newspapers, in the same way as under the Land for Public Purposes Acquisition Act and the Railway Act. The only other matter I have to speak about on behalf of the Council is this: We object to the commencement of the tramway being at the present terminal point of the North Shore cable tramway, which we know is at Ridge-street. Whether the Government do it or not the tramway must ultimately go along the Military Road towards the Heads and Manly, even if a private company has to do it, and probably we shall be able to form a Company if the Government does not take the work in hand, and therefore I think that the commencing point of this Company's tramway should be at Falcon-street, or not further south than Falcon-street.

8. *Mr. Burns.*] You have no objection on your own account or on behalf of the Council to the principles of the Bill? Not the least. We think the tramway would be a public convenience.

9. *Chairman.*] You believe it would be for the benefit of the district if the powers sought under this Bill were given? I do. I think the Company should be encouraged in every possible way, proper precautions being taken to guard the interests of the public and of the Municipal Council.

James Edmund Fitzgerald Coyle, called in, and examined:—

J. E. F.
Coyle.
15 May, 1890.

10. *Chairman.*] Where do you reside? St. Leonards.

11. You are engineer for the North Sydney Investment and Tramway Company? Yes.

12. You are aware that the Company has introduced a Bill to amend the Willoughby and Gordon Tramway Act of 1887? Yes.

13. Are you acquainted with the main provisions of the Bill? I have read it.

14. Can you give us in the first place information as to what the Company has already done under their Act? The Company has entered into contracts to the extent of, as near as I can arrive at it, £40,000; of these contracts an amount of £23,639 has been paid.

15. What do those contracts cover? The principal one is for the bridge over Long Bay.

16. How does that bridge stand at present;—how far has it been constructed? It is let in four contracts. Of the first contract about one-third is completed; that is the masonry contract. Nos. 2 and 3 contracts which were for the supply of cables and steel work are completed, and the material is on the ground. There may be some one or two cables perhaps not yet on the ground, which were landed quite recently, but practically the whole of the material is on the ground.

17. What has been done towards the construction of the tram line? About $\frac{3}{4}$ of a mile of a single line has been laid down.

18. You are aware that the time within which the contracts were to be completed is nearly up? I believe it will be up in July next.

19. Could you give the Committee any explanation as to why the works are not further advanced? The contracts were let about the 13th May last year and ample time was given for the completion of the bridge before the time mentioned in the Act, but certain circumstances have occurred which have tended to throw back the construction of the work.

20. You mean circumstances which the directors could not control? Yes. The first contractor for No. 1 contract—for masonry—abandoned his contract, and four months were lost in consequence of his doing so. Immediately afterwards a contract was again let, but very unfavourable weather was met with, and there was also extreme difficulty in providing stone of a suitable quality for the towers. Both those difficulties have now been overcome, and the work is proceeding in a satisfactory manner.

21. Do you know any reason why the Company should not complete everything within the next three years, the time asked for in this present Bill? No, there is no reason why it should not be completed in much less than half that time. The only thing that keeps the work back is the bridge. As far as concerns

concerns the tramway itself, seven months would be sufficient in which to construct it, but of course the bridge is the crucial part of the work, and it would be useless to lay down the tramway until such time as it could be made available for traffic.

22. The bridge is really a large undertaking? Yes, amounting, practically, to £40,000.

23. Is there anything else you wish to say to the Committee as the engineer for the Company? Nothing further, except the necessity for the alteration of the line.

24. The deviations? Yes. The first line—that is, the line for which the first bill was passed—was not available for any class of traffic except cable traction; the grades were of such a character, in fact, that it was valueless. I made a careful examination of it, and I also made the necessary deviations in order to bring the whole of the grades well within workable limits. The ruling grade of the line now is 1 in 23, which, for electric traffic, horse traffic, or steam traffic, is a fairly good grade. It is not as good as could be desired, but it is fairly good. The ruling grade of tramways here is 1 in 17, I believe; so it is better than the grade on the tramways of Sydney. Certain branches have been added to the line authorized by the original Bill, and they will give much greater accommodation to the district than would have been the case under that Bill. Altogether the present scheme is a workable one, and one which I think will be satisfactory to people generally as well as to the Company. From an engineering point of view the line will be a very good one; whereas the former line was, I might say, an unworkable line. In addition to that, the cost of the bridge would have been fully 30 per cent. more than it will be, by reason of the much wider cross-section of the site.

25. You have had considerable experience in engineering in this Colony? Not so much in this Colony as in the other colonies. I have been all through the Public Works policy, the construction of railways, in New Zealand, and different works there, from the commencement to the finishing of them.

26. I understand that at present you are preparing information for Sir John Coode in connection with the Wollongong Harbour Trust? Yes.

27. Is there anything else you wish to say? There is nothing further.

David Wilson, called in and examined:—

28. *Chairman.*] Where do you reside? Milson's Point.

29. You are a director of the North Sydney Investment and Tramway Company? I am.

30. Are you in a position to speak on behalf of the Company to day? Yes, I presume so.

31. You are supposed to represent the Company? Yes.

32. Your Company is possessed of some 1,000 acres of land in the parish of Willoughby? Yes.

33. And the original promoters of the Willoughby and Gordon Tramway Bill have assigned and transferred to your Company the powers under that Bill? They have.

34. Under the authority of your Act—the Willoughby and Gordon Tramway Act—you have already carried out part of the works authorised by that Act? We have.

35. What parts have you carried out? From the terminus of the Government Tramway down to within sight of Long Bay—as far as we could go before the bridge is completed.

36. You have constructed the tramway line from the terminus of the Government line to Amherst-street? Yes.

37. And your bridge over Long Bay is in course of construction? Yes.

38. You found it inexpedient to go on with the construction of the line on the grades and levels originally proposed? Yes.

39. And you are asking under this Bill for powers of deviation? Yes.

40. Do you find this absolutely necessary? Yes. I might say that to avoid some of these things, on this side we have purchased a large quantity of land; hoping to do without this Bill. We have spent perhaps £1,000 in buying land.

41. Hoping that you might secure your deviations within your own land? Yes, but we find after spending all this money that we have to come to Parliament.

42. About what date does the time allowed in your Act for the completion of your work expire? The middle of July—the 16th or 19th of July next.

43. It is of course impossible to complete the work within that time? Impossible.

44. Many of the causes of delay have been beyond your control? Yes.

45. And you find it absolutely necessary to get an extension of time? Yes.

46. With regard to the powers asked for to construct branch lines, those proposed lines will be largely within the land of the Company? Yes.

47. At the same time they will be a convenience to other owners of property and to the district generally? Yes.

48. You believe that the construction of those branch lines would also make your tramway system much more complete? Yes.

49. And of greater benefit to the district? Much greater benefit.

50. Do you happen to know of any objection by the people of the district to the granting of the powers for which you are asking? No, no objection at all. A number of residents up there are continually asking "When is the bridge to be finished; when are you going to continue the Tramway?" Of course it is impossible to continue the tramway until the bridge is finished.

51. Is there anything further you wish to add? Had the weather been seasonable we consider that the bridge would have been finished long ago. The contracts were let to first-class people. One contract was let to Johnson, of Angus & Co., at a higher price than other people who were tendering for it wanted. He was chosen as being a good man to push it along quickly. His time for its completion expired long ago. The time for the completion of all the contracts to make the bridge expired long ago. Had the construction of the bridge been carried on as rapidly as we anticipated, the tramway would have been pretty well on its way now. It is no use making the tramway without having a connecting point. Had it not been for that, as far as time goes we could have had the thing completed. The time granted originally I think was ample. In making the bridge difficulties were met with which were not anticipated. As Johnson himself said, he thought that sovereigns could do anything. He asked the men to work two shifts but the Union came in and said, "It's against the rules; there must be only one shift," which simply means doubling the time. He will lose money over it and is quite willing to do so so long as he can push the thing through. He wants to be done with it.

J. E. F.
Coyle.

15 May, 1890.

D. Wilson.

15 May, 1890.

- D. Wilson.
15 May, 1890.
52. A previous witness has raised a point that has been much talked about in the district—that the Company should relinquish to the Government that part of the line between Falcon-street and Ridge-street, the present terminus of the Government Tramway. If such an amendment were put in the Bill would your directors resist it or not? They would not resist it. They can scarcely volunteer to give it away because they have pledged it, so to speak, in the shape of security for debentures but they will not resist.
53. It would not seriously affect your project? No, it would not seriously affect the project. Of course we consider that that is the most paying part of the line—we consider that that would be taking away the cream of the traffic. Thence to the bridge is where the population at present is, and that would be taking away the means of earning.
54. What is the distance between Ridge-street and Falcon-street? I think about a quarter of a mile.
55. *Mr. Burns.*] What is the capital of your Company? £500,000.
56. How much is paid up? £333,000.
57. Actually paid up? Yes; that is two-thirds is paid up—£333,000 and some odd shillings.
58. But you have not expended much of it yet; you have plenty of reserves available to carry out this undertaking? Yes.
59. *Mr. Moseley.*] You know, as a matter of fact, that the notice was published in both local papers? Yes.
60. So that the fullest publicity might be given to it? Yes.
61. *Mr. Burns.*] And no opposition has yet been offered? None whatever.

William Henry Moseley called in, and examined :—

- W. H. Moseley.
15 May, 1890.
62. *Chairman.*] Is it a fact that you specially notified the Mayor of North Willoughby of the present meeting of this Select Committee, and that we should be glad to receive any evidence he might wish to give? Yes; I did so by leaving a letter at his office.
63. You have no reason to suppose that the Council of North Willoughby is in opposition to this Bill? They approved of the original Gordon Tramway Bill, and I have every reason to believe that they equally approve of the provisions of this Bill.
64. In fact you believe that the powers asked for under this Bill, if carried out, would be for the benefit of the whole district? I do. I produce a plan of the property. [*Plan produced.*]
65. Does that plan show the branches as well as the main line? Yes; up as far as Long Bay.
66. The line is coloured how? Red.
67. And the branches? Red also.

1890.

NEW SOUTH WALES.

MILITARY FORCES OF THE COLONY.

(REPORT FOR 1890.)

Presented to Parliament by Command.

REPORT of the Major-General Commanding the Military Forces of New South Wales for the year 1889.

PERMANENT ARTILLERY.

No change has been effected in the establishment of this Corps during the year, and the actual strength on 1st January last was 497 of all ranks—or 3 below the establishment.

During the year 156 recruits were enlisted in order to bring the Corps from 422 to the full strength, and to replace men who had become non-effective. This list is large; at the same time I do not see how it is to be materially reduced, seeing the facilities with which men can leave the Service. It is made up by 29 desertions, 8 deaths, and 46 discharges, giving a total of 83, as compared with 59 of previous year.

The causes of discharge are as follows:—

Termination of limited engagement...	...	...	...	16
By purchase ...	...	...	...	11
Medically unfit ...	...	...	...	8
Free discharges ...	...	...	...	2
Incorrigible and worthless ...	...	...	...	1
Services no longer required ...	...	...	...	1
Misconduct ...	...	...	...	3
Inefficiency ...	...	...	...	1
Convictions by Civil power ...	...	...	...	3
Total ...	...	...	...	46

The number of Courts-Martial is identical with that of previous year, viz., 27, and an improvement has been noted in the general conduct.

A Course of Instruction was held during the year at the School of Gunnery, Middle Head, under Colonel Bingham and Major Churchward, R.A., when Lieut. Bridges, Per. Art., qualified as an Instructor in Gunnery. The system of instruction as practised by the Corps itself is not entirely satisfactory, and opportunity will be taken during the current year to assimilate it as far as possible to that of the Imperial Artillery.

The Field Battery was put through a complete course of instruction by Major Churchward, lasting from June to November inclusive, and during December 2 officers and 11 non-commissioned officers went through a course of Watkins' range finding, of whom 1 officer and 1 non-commissioned officer received certificates as instructors.

The

The Colony has lost the services of a most able officer in Colonel Bingham, who left for England in November, to take up the responsible position of an Instructor at the School of Gunnery, Shoeburyness. Major Churchward, R.A., who arrived in April, assumed his duties.

No steps have as yet been taken to secure the services of a Second Artillery Instructor, pending decision as to the action to be taken on Major-General Edwards' recommendations for re-organizing this branch of the Service. As previously reported, the interior economy of the Corps is still defective, to remedy which I directed a Board to assemble for the purpose of compiling a code of Standing Orders, which are now with the Government Printer. These, when issued, will guarantee the maintenance of a proper chain of responsibility and system of administration and training, which cannot but be productive of increased efficiency and discipline.

I inspected the Field Battery, and found the drill fair, and the Battery in a serviceable condition, although there was a diversity of horse appointments. The stables in the Agricultural Grounds are not fit for permanent use, besides being inconvenient to officers and men, and consequently the cause of much dissatisfaction, which it is to be hoped will be removed during the current year by the erection of proper stables in the Victoria Barracks.

The drill of the Garrison Batteries was fair, and in instances good, but not so thorough as it should be; and arrangements are about to be made which will improve the work in this respect.

The books, with the exception of those relating to the canteen, were properly posted. The contract for clothing was carried out in the most culpable manner, and caused such dissatisfaction that the Government decided to place future contracts with the Regimental authorities, as is the case in the Volunteer Regiments.

A considerable amount of useful and instructive work has been performed by the Corps in mounting and dismounting ordnance, consequent on changes in the armament of the batteries.

PERMANENT SUBMARINE MINERS.

The strength of the Corps was 1 officer and 21 non-commissioned officers and men, showing a reduction of 2 by transfer to Commanding Engineer's branch. 1 man has been discharged as not likely to become efficient, and 1 has deserted.

Since its formation the Corps has been principally occupied in getting the Submarine Mining Stores into working order, drill and instruction in the various duties, also doing work connected with the training of the Partially-paid Submarine Miners. The work has been much hampered from various causes, but when the accommodation in progress at Chowder Bay is completed, the chief disability will be removed, and this important branch of the service can then be maintained in a state of thorough efficiency.

The "Lilian" steamer has been found to be altogether unsuitable for a mining craft, and enquiries are being conducted in England for the purchase of a specially designed boat.

The clothing has been a source of great trouble, and the new system of supply by Corps as approved will remove the cause of dissatisfaction.

The Commanding Officer reports favourably of the conduct of the Corps.

Colonel de Wolski, R.E., succeeded Major Penrose, R.E., in supervising the training and charge of stores and the work generally connected with the Submarine Mining defence.

PERMANENT MOUNTED INFANTRY.

This Corps numbers 32 of all ranks. During the year 6 have been discharged as being worthless characters, which seems to point to the fact that in so small a body the Commanding Officer has not been too particular as to the antecedents of candidates for admission. 1 has left by purchase, and there have been 5 desertions. 1 man has been tried by Court-Martial.

This Corps drills well, but as with the Field Battery of Permanent Artillery, it is heavily handicapped by the inconvenient position of the stables, which gives rise to dissatisfaction and extra work. The books were not up to the standard required.

MEDICAL

MEDICAL DEPARTMENT.

During the year 240 recruits presented themselves for examination, and of this number 34 were rejected as medically unfit. Of the 206 accepted, 35 had had previous service other than in the New South Wales Military Forces, and 27 were re-engagements in the New South Wales Artillery. They were distributed as follows:—

Permanent Artillery, 188 Recruits.

Average height, 5 ft. $8\frac{5}{8}$ in.
 „ weight, 10 st. $11\frac{7}{8}$ lbs.
 „ chest, 37 in.

Permanent Mounted Infantry, 12 recruits.

Average height, 5 ft $8\frac{1}{2}$ in.
 „ weight, 10 st. $6\frac{5}{8}$ lbs.
 „ chest, $36\frac{1}{8}$ in.

Permanent Submarine Miners, 6 recruits.

Average height, 5 ft. $8\frac{5}{12}$ in.
 „ weight, 10 st. 8 lbs.
 „ chest, 37 in.

There were 403 admissions into the Garrison Hospital during the year, from the following causes:—

TABLE SHEWING DISEASES ADMITTED INTO GARRISON HOSPITAL DURING THE YEAR ENDING DECEMBER 31st, 1889.

DISEASES OF RESPIRATORY ORGANS.				NERVOUS DISEASES.				DISEASES OF EYE AND SKIN.			
Catarrh	1	Sunstroke	6	Ophthalmia	5						
Sore Throat	9	Sciatica	2	Eczema	1						
Phthisis	5	Fits	4	Ringworm	3						
Pleurisy	6	Lumbago	4	Minor Sores... ..	12						
Asthma	2	Mental	2								
Colds	18										
Total	41	Total	18	Total	21						
GENITO-URINARY.				INJURIES.				ALIMENTARY CANAL.			
Venereal Warts	2	Fracture—Bone of Hand	1	Colic... ..	16						
Gleet... ..	8	„ Colles'	1	Piles... ..	1						
Stricture of Urethra	2	„ Thumb	1	Constipation	2						
Orchitis	6	„ Clavicle	2	Diarrhoea	7						
Soft Chancres	7	„ Humerus	1	Dyspepsia	3						
Gonorrhoea	34	„ Femur Captain Cuthell	1								
Syphilis	2	„ Femur, old fracture (Gr. Foster)	1								
Secondary do.	5	Sprains	29								
		Bruises	26								
		Kick (horse)	1								
		Minor injuries	39								
Total	66	Total	103	Total	29						
GENERAL DISEASES.											
Intemperance	32	Boils	1	Ague	3						
Rheumatism	18	Debility	3	Varicose Veins	1						
For Examination	20	Ulcers	9	Febricula	1						
„ Observation	4	Whitlow	3	Palpitation	1						
„ Nil	8	Synovitis	1	Hæmoptysis... ..	1						
Cirrhosis of Liver	1	Hæmophilia... ..	2	Hæmatemesis	1						
Delirium Tremens	4	Gastritis	1								
Enlarged Glands	7	Enteric	2								
Muscular Contraction	1			Total	125						
GRAND TOTAL	403										

Much improvement has been effected during the past year in the sanitary arrangements, especially at Victoria Barracks. The drainage under ground is now complete, and the water-closet system is supplied to the quarters of officers and men.

The Brigade Surgeon draws especial attention to a matter that is a source of danger to the general health of troops in barracks, and one that has given much cause for alarm, viz., the residence of non-commissioned officers and others on the married strength living outside barracks. In the majority of these cases the houses have no drainage and even receive the drainage from others, situate in close, ill-ventilated streets with a foul-smelling atmosphere. The only remedy against this would be to build a number of small tenements on the unoccupied land in the barrack area and at the outlying batteries. In the end this would also be a distinct saving in lodging allowance, for in a few years the buildings will have paid for themselves.

The general conduct and attention to duty by the staff of the hospital is worthy of praise. One and all have endeavoured to assist to carry out any work or duty that may have fallen on this special department.

The Brigade Surgeon urges that the time has arrived when the appointment of a second Medical Officer to the Permanent Forces is absolutely necessary. The numbers have so increased, dangerous services so multiplied, and the medical, administrative and executive work in connection with the Garrison has grown so extensive, that the Services would be benefited to a great extent by this addition.

Anticipating the establishment of a permanent branch of the Medical Staff Corps is another strong argument in this case, for no one man can do justice to all the work. A considerable sum of money is spent annually to civil practitioners, which would be saved by such an appointment.

PARTIALLY-PAID VOLUNTEERS.

The establishment on 1st January last was 4,372, as against 3,907 of previous year, the increase being chiefly caused by transfer of Cavalry and the Botany Battery Artillery from Reserves to Partially-paid branch.

At my various inspections I found the clothing, arms, and accoutrements generally in good order. The drill of Artillery, Engineers, Submarine Miners, and Infantry generally good; that of Cavalry and Mounted Infantry not so progressive, in cases, as it should have been.

The Cavalry, now organized on a better system, and with an energetic and capable Adjutant—viz., Captain McNeill, of the 4th Hussars—as also the newly-raised Regiment of Mounted Infantry, under Major Lassetter, South Staffordshire Regiment—are rapidly attaining to a creditable degree of efficiency. Both corps are well mounted, and show considerable zeal.

The Engineers have been most usefully employed, and it is intended to shortly extend their sphere of operations by means of a small field-service equipment.

The work done by the P.P. Submarine Miners has been of a more extended character than heretofore, and considering the few facilities available for thorough instruction it may be regarded as excellent.

The Medical Staff Corps has demonstrated itself to be a useful and well-trained body.

The conduct of this branch of the forces leaves little to be desired; and as for general physique, &c., it would compare most favourably with the general run of any European army.

RESERVES.

6 troops of Cavalry and 1 Battery of Artillery were transferred on the 1st of January last to the Partially-paid branch, and, with the exception of the Scottish Rifles, the Reserves now consist entirely of rifle companies. These numbered on 1st January last 85 as compared with 50 of previous year, with 3,393 active members, of whom 426 are marksmen, 755 are 1st class shots, 1,299 2nd class shots, and 167 3rd class shots.

Some

Some difficulty exists in regard to supply of arms, as most of the corps object to the part-worn Henry rifle; and although a small issue of the Martini-Henrys has been made it is insufficient to arm them. There is at present no obviating this difficulty, as it would be most impolitic to trench materially upon the reserve stock, which must be maintained. When the new magazine rifles are supplied this difficulty will be overcome. A proposition before the Government in the matter of affording additional aid to these corps, will, if conceded, remove certain causes of dissatisfaction.

CONTINUOUS TRAINING.

The field forces encamped at the National Park numbered 2,936, with 429 horses. The Volunteer Garrison Artillery and Submarine Miners encamped at South Head numbered 536. The Garrison Batteries of the Permanent Artillery did not go into camp in consequence of deficiency in tentage.

At the former camp the principal work done was the practice of the new attack formations, which fully occupied the time at disposal. At the Heads the forces underwent instruction in artillery and submarine mining matters. As usual, the conduct and discipline of both camps was very satisfactory.

MUSKETRY.

A slight improvement over last year is perceptible, and the number who went through the course was 1,922, as against 1,434 of previous year. This total is classified as follows:—

Marksmen	...	...	...	...	556
1st Class Shots	...	...	...	...	955
2nd Class Shots	...	...	...	...	674
3rd Class Shots	...	...	...	...	293

thus making the per-centages—

Marksmen	...	...	...	...	28.40
1st Class	...	...	...	...	49.69
2nd Class	...	...	...	...	35.06
3rd Class	...	...	...	...	15.19

From the foregoing tables the figure of merit is 104.14, as against 99.24 of previous year.

The best shot in the Force is Private J. Lewis, Wallsend Company, 4th Regiment Infantry, with a total of 143 points.

Best shot in 1st Regiment	...	Private J. H. McEachern	...	134 points.
„ „ „ 2nd	„	Color-Sergeant W. Cork	...	123 „
„ „ „ 3rd	„	Private J. Groat	...	140 „
„ „ „ 4th	„	Color-Sergeant Morris	...	131 „
„ „ „ Per. Sub. Miners	...	Corporal Carter	...	103 „
„ „ „ Engineers	...	Sergeant Quantock	...	130 „
„ „ „ P.P. Sub. Miners	...	Corporal Dawson	...	116 „

The 1st and 2nd Regiments have both deteriorated in shooting and attendance, whilst the 3rd and 4th Regiments have improved.

AMMUNITION AND STORES.

The large augmentation to the Force, principally by the wide-spread establishment of Reserve Rifle Companies, has largely increased the expenditure of small arm ammunition, and steps have been taken to meet such increase and keep up the reserve stock.

The ammunition supplied by Messrs. Kynock and Company has proved unreliable, and I should not recommend the Government to have further dealings with that firm, unless it is prepared to remedy the defects in a satisfactory and equitable manner.

Steps have been taken to bring the reserve of field gun ammunition up to 600 rounds per gun, as recommended by General Edwards. That required for garrison guns will shortly be somewhat in excess of reserve required.

Submarine mining stores are reported by the Commanding Engineer as being wanting in some respects, but it has not been thought desirable to complete the same until proper storage accommodation, in course of erection, is available.

Medical equipment for Field Hospitals, &c., has been received sufficient for any probable contingency.

Camp equipment for 6,000 men is now in possession.

During the past year the maintenance, repair, and issue of small arms has been assumed by the D.A.C.G. of Ordnance, who, however, reports that the facilities for carrying on the work are most inadequate.

In my last report I pointed out in detail that the present storage accommodation is very unsuitable and deficient, and militates much against the efficiency and readiness of the Department for calls which would be made upon it in prospect of war. The D.A.C.G. of Ordnance points out that under present arrangements the defence of the Colony might at any moment be crippled, and he appears to be correct. It is essential that the commercial branch should be separated from that of the military, as the work and requirements of the latter have so largely increased as to require the undivided attention of the D.A.C.G. of Ordnance.

GENERAL REMARKS.

The most important occurrence of the year was the advent of Major-General J. Bevan Edwards, C.B., at the instance of the Imperial Government, to report upon the condition of the Military Forces and Defences of New South Wales, together with propositions for the re-organization of the former. The estimates for 1890 were submitted much on the lines laid down by this officer, but the rejection of them *in globo* by the House of Assembly has left things as they were the previous year.

The appointment of Colonel de Wolski, R.E., as Director of Works has had a most beneficial effect in stimulating the construction of the necessary works, in spite of the great delay experienced in the transfer of this department from the control of the Colonial Architect. It is confidently assumed that by the end of the current year the Ports of Sydney, Newcastle, Botany, and Wollongong will be in a fair state of defence.

The United Service Institution was formally opened at the beginning of the year, and the following address and lectures have been delivered:—Inaugural Address by Major-General Richardson, C.B.; “The Defence of the North-western Provinces of India,” by Major MacCarthy, 2nd Battalion King’s Own Royal Lancashire Regiment; “Modern Infantry Fire,” by Lieut.-Colonel Penrose, R.E.; “Coast Defence by Breech-loading Guns on Hydro-Pneumatic Carriages,” by Colonel E. G. H. Bingham, R.A.; “The Clothing of the Soldier as Suitable to the Climate,” by Brigade Surgeon Williams, General Staff; “The Maxim Gun,” by Major-General Strange, R.A.; “Naval Attack on a Protected Harbour,” by Commander Egerton, R.N. (H.M.S. Orlando).

The Royal United Service Institution, the Military Society, Aldershot, the Royal Artillery Institution, Woolwich, the East of Scotland Tactical and War Game Society, Edinburgh; The Home District Tactical and War Game Society, London, have presented copies of their proceedings to the local Institution, and are available for perusal and instruction. Military and Naval works and periodicals are also furnished for that end.

The provision of a proper Ordnance Store and Gun Wharf—the appointment of a Secretary of Defence—the want of a suitable Rifle Range for the Headquarter Corps—provision for the retirement of Officers incapacitated for military duty—amended legislation in regard to the partially-paid branch—are matters which have not yet been dealt with.

JOHN S. RICHARDSON, Major-General,
Commanding Military Forces.

Sydney, May 20th, 1890.

1890.

NEW SOUTH WALES.

NAVAL FORCES OF THE COLONY.

(REPORT FOR 1889.)

Ordered by the Legislative Assembly to be printed, 7 May, 1890.

The Captain Commanding the Naval Forces to The Principal Under Secretary.

Sir,

Sydney, 25 January, 1890.

I have the honor to inform you that I was appointed Captain Commanding the Naval Forces of the Colony on the 10th October, 1888. Prior to this date no organization existed between the different branches of these services.

After being appointed, I lost no time in carrying out the instructions of the Government by amalgamating and combining the different forces where necessary, and otherwise making such arrangements as were found expedient for cohesive and administrative purposes.

H.M.C.S. "Wolverene" was at once brought forward to be docked and recommissioned. Her guns and stores were placed on board, and the vessel was refitted and got ready in all respects to carry the pennant. This duty was performed by a working party of the Naval Brigade, who were assisted by the permanent staff of the ship. This staff is composed of only nine persons, under the charge of the chief engineer. When the vessel is taken to sea she is manned by the Sydney contingent of the Naval Brigade, with no other aid than that of the before-mentioned staff.

The torpedo boats "Acheron" and "Avernus" were also brought forward, permanent engineers and stokers were attached to them, and they were made ready in every respect for instant service. These vessels are navigated and their torpedoes are manipulated by certain officers and men of the Volunteer Naval Artillery.

The 64-pounder rifled gun and slide of the hopper barge "Neptune" has been put in order, and the vessel, when she could be spared by the Harbour and Rivers Department, to which she belongs, has been used on occasional Saturday afternoons, and also during Easter-time, for the training of the Volunteer Naval Artillery and the Newcastle Company of the Naval Brigade.

The Schwartzkopff torpedoes, together with the stores and appliances connected therewith, have been overhauled and put in readiness, so far as the limited means at our disposal will permit.

The Naval defence of the Colony at the present time may be summarized as follows, viz. :—

- 1 corvette of 16 64-pounder rifled guns.
- 1 temporary gun-boat, carrying 1 64-pounder rifled pivot gun.
- 2 second-class torpedo boats, and

40 Schwartzkopff torpedoes, which could be improvised in temporary boats on an emergency.

These defences, although for the most part obsolete, can all be said to be in fair working order.

I very much regret that the late application of the Chief Secretary to the Home Government for an ironclad ship was refused, for I feel convinced, now that the land defences of this continent are so far matured, that the object of an enemy in the absence of the Imperial squadron would be directed to blockading our ports and preying on our commerce, rather than in attempting a footing on Australian soil. A powerful cruiser, or several fast gun-boats, thus becomes a very necessary factor for the defence of the maritime interests of this Colony.

The rifles in possession of the Naval Brigade are nearly worn out. A telegraphic order was transmitted to England, to include a thousand sea-service weapons in the late stand that came out, but by some mistake all military weapons were sent. On the 25th April, 1888, I again wrote, asking that a supply of sea-service Martini-Henris might be imported; but now that the Magazine rifle is in the course of being introduced into the English service, I prefer awaiting the development of the new weapon there, in order that our old rifles may be replaced by the most improved description of sea-service weapons.

The entire cost of the Naval Defence Forces of the Colony for the year 1889 was £11,173. This provided for a permanent staff of 17 persons, the Naval Brigade, numbering 328 of all ranks, and a Volunteer Naval Artillery, composed of about 216 men.

With the view of keeping the ships, with their machinery and implements of war, in proper working order, and at the same time not allowing too great a strain to be put on, with the object of thus making them last as long as possible, it has been the practice, in addition to going to sea at Easter, to get underweigh one Saturday afternoon each month. This, in addition to other drills carried on at anchor and also on shore, has had the desired effect of keeping men and material in a reasonable state of efficiency, with a minimum amount of wear and tear.

The

The completion of the principal part of the Easter training for the year 1889 was brought to a climax by the "Wolverene," "Thetis," "Ajax," "Neptune," "Kate," "Rhea," "Carrington," "Acheron," and "Avernus" rendezvousing in Botany Bay on Monday, the 22nd of April. These vessels, most of which were improvised for the occasion with the resources at the disposal of the Government, left Botany Bay in double line and made an attack on the batteries at Sydney, about 3 p.m., that day. After passing out of range of the guns, shelter was taken in Hunter's Bay. Boats were then manned with the view of landing a force to take the Middle Heads' battery in the rear. This attempt was frustrated, and the Naval Forces were forced to retire to their ships. The whole affair was carried out satisfactorily, and without a single accident.

On the 27th of July the Naval Brigade and Volunteer Naval Artillery took part in the muster of the Colonial Forces, ordered for the inspection of Major-General Edwards, C.B. :—The following is a copy of the letter sent to me by the Major-General in relation to the bearing of the Naval contingent in the affair :—

Dear Captain Hixson, Government House, N.S.W., Sydney, 29 July, 1889.
 Will you do me the kindness to tell the officers and men of the Naval Forces how much I appreciated their very fine turn out on Saturday, and that I consider it a great personal compliment that they came in such force. I beg to congratulate you upon commanding such a body of men, worthy in every way to take their place alongside the Royal Navy. Believe me,
 Yours sincerely,
 J. BEVAN EDWARDS.

Captain F. Hixson, Commanding Naval Forces.

On the 17th August, 1889, Rear-Admiral Fairfax, C.B., the Commander-in-Chief on the Australian Station, inspected H.M.C.S. "Wolverene" and the torpedo boats "Acheron" and "Avernus." The following is a copy of the Admiral's report to His Excellency the Governor in reference thereto :—

My Lord, H.M.S. "Rapid," at Sydney, 23 August, 1889.
 In compliance with the request forwarded me by your Excellency, I went on board the "Wolverene" on Saturday, the 17th instant, and inspected the ship and the Naval Forces on board under the command of Captain Hixson. I found the ship clean and well kept, considering the few men allowed for this purpose. The engineer deserves great credit for the order the engine-room is in. The crew are clean and well dressed, composed of men in the prime of life. They are the finest body of men that I have seen on board ship. They went through their drills very creditably, and I think New South Wales has every reason to be proud of such a splendid body of men. The Naval Artillery Volunteers manned two torpedo boats. They seemed to handle their boats well, and discharged a Whitehead torpedo, which ran with great accuracy.

I have the honor to be,
 My Lord,
 Your Excellency's most obedient servant,
 H. FAIRFAX,
 Rear-Admiral and Commander-in-Chief.

His Excellency the Right Hon. Lord Carrington, G.C.M.G., &c.,
 Governor and Commander-in-Chief, New South Wales.

On Thursday, November 21st, 1889, I, in company with Commander Lindeman, inspected the Newcastle Company of the Naval Brigade. There was a satisfactory muster, and officers and men acquitted themselves fairly well.

I have, &c.,
 FRANCIS HIXSON,
 Captain Commanding Naval Forces.

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CARTAGE OF CAMP EQUIPMENTS.

(CONTRACTS FOR YEARS 1885, 1886, 1887, 1888, 1889, AND 1890.)

Ordered by the Legislative Assembly to be printed, 9 July, 1890.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 18th June, 1890, That there be laid upon the Table of this House,—

“Copies of all papers relating to the contracts for cartage of camp equipments for the years 1885, 1886, 1887, 1888, 1889, and 1890 respectively, together with a Return showing the name and amount of each tender, the names and the amounts of the successful tenderers in each year, and the sums actually paid for this service in each year, together with all amounts paid as extras, and to whom paid.”

(Mr. Molesworth.)

Copy of Contract for 1886.

MEMORANDUM of agreement entered into this day between Major J. E. D. Taunton, D.A.Q.M.G., representing the New South Wales Government, on the one part, and Wright, Heaton, & Co., on the other part, witnesseth that Wright, Heaton, & Co. (Limited) agree to provide sufficient lorries, carts, drays, or other vehicles necessary for removal from the Ordnance Stores and Victoria Barracks to the Redfern Railway Station of all material required at the ensuing encampment to be held at the National Park, and at termination of the said encampment to provide the necessary appliances for the removing of the returned material from the Redfern Railway Station to the Ordnance Stores and Victoria Barracks, for which service Major Taunton, on behalf of the New South Wales Government, agrees to pay the sum of £60 (sixty pounds), £30 (thirty pounds) for each service. Furthermore, should the services of horses and conveyances be required either at the National Park or at Middle Head, Wright, Heaton, & Co. agree to provide them, and Major Taunton, on behalf of the New South Wales Government, agrees to pay the following scale:—£1 per diem for single-horse conveyance, £1 10s per diem for two-horse conveyance, and should a larger number than two horses be employed in any conveyance, then an extra 10s. per horse per diem to be paid, time to count in all cases from the time when the teams leave our stables and continue until their return thereto.

In witness whereof we have this day set our hands, each representing our principals.

WRIGHT, HEATON, & CO. (LIMITED),

EDWARD HEATON,

Managing Director.

MEMORANDUM of agreement made between Major Taunton, D.A.Q.M.G., representing the New South Wales Government on the one part, and Wright, Heaton, & Co. (Limited) on the second part. Witnesseth that Wright, Heaton, & Co. (Limited) agree to provide sufficient lorries, carts, drays, or other vehicles necessary for the removal from the Ordnance Stores and Victoria Barracks to Middle Head of all material required at the ensuing encampment at Middle Head, and at the termination of the said encampment to provide the requisite appliances for removing the returned material from Middle Head to the Ordnance Stores and Victoria Barracks, for which service Major Taunton, on behalf of the New South Wales Government, agrees to pay the sum of £60 (sixty pounds)—£30 (thirty pounds) for each service.

In witness whereof, we have this day set our hands, each representing our principals, this 5th day of April, in the year of our Lord 1886.

WRIGHT, HEATON, & CO. (LIMITED).

EDWARD HEATON,

Managing Director.

400—A

EXTRACT

EXTRACT from proceedings of a Board of Officers, assembled at Military Staff Offices, Dawes' Battery, on the 21st March, 1887, by order of Major-General J. S. Richardson, C.B., bearing date 17th March, 1887, to open tenders for groceries, provisions, privilege of canteens, and conveyance of equipment for the forthcoming encampment.

President :—

Lieut.-Col. Eden.

Members :—

Major Norris.

|

Capt. Bartlett.

The Board having assembled, pursuant to the above order, proceed to open tenders for groceries, provisions, privilege of canteens, and conveyance of equipment and water-carts for the forthcoming encampment; also wood for Middle Head.

* * * * *

For conveyance of camp equipment the Board considers the tender of Messrs. Wright, Heaton, & Co. the one most worthy of consideration, the price of Mr. Hartigan being too low to permit of service being faithfully rendered.

T. M. EDEN, Lieut.-Col.,
President.

C. G. MORRIS, Major,
C. F. BARTLETT, Capt.,
Members.

I approve of the acceptance of the following tenders :—

* * * * *

Wright, Heaton, & Co., for conveyance of camp equipment.

JOHN S. RICHARDSON,
Major-Genl., 21/3/87.

Deputy-Assistant Quarter Master-General's Department, March, 1887.

Cartage for Camp Equipment, material and stores for Permanent and Volunteer Forces, for Easter Encampment at National Park and Middle Head, 1887.

Terms and conditions of contract.

1. The contract will be for such number of carts, lorries, drays, or other vehicles as may be required from time to time for the removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place in city as required, to the Redfern Railway Station, Darling Harbour, George's and Middle and South Heads.
2. Also for the return of all such material, camp equipage, stores, and officers' baggage from the Redfern Railway Station, Darling Harbour, George's, Middle, and South Heads, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places in the city as required.
3. For the services of horses and conveyances as may be required at either camp, at a charge per diem to be stated in tender, specifying single horse carts and two and four horse lorries.
4. The contractor to find all forage—no extra charge against the Department will be entertained.
5. Carts to be furnished on the demand of the D.A.Q.M. General or officers acting for him, the officer commanding Artillery Forces or his Adjutants.
6. In the event of any failure or unnecessary delay on part of contractor supplying carts at the hour named, it shall be in the power of the D.A.Q.M. General, the officer commanding Artillery Forces, or officers acting for them, to hire any other carts, deducting charge for same from contract money or moneys in hand.

Sydney, 14 March, 1887.

In conformity with notice, dated March, I hereby tender to provide the number of carts, lorries, and drays that may be required for the conveyance of camp equipage, material and stores, to and from the encampments, to be held at National Park and Middle Head, for a sum of £100, and, furthermore, to provide the services of horses and conveyances, as may be required at either camp, at the following rate per diem—one-horse, 11s.; two-horse, 17s. 6d.; four-horse, £1 5s.—and will comply with terms and conditions of contract in every particular.

JOHN F. HARTIGAN,
95, Palmer-street, Woolloomooloo.

Should the within tender be accepted, I am prepared to place in hands of the D.A.Q.M. General, or other authorized officer, the sum of thirty pounds (£30) sterling, as a guarantee for the due performance of the contract.

JOHN F. HARTIGAN,
95, Palmer-street, Woolloomooloo.

Deputy-Assistant Quarter-Master-General's Department, March, 1887.

Cartage for Camp Equipment, Material and Stores for Permanent and Volunteer Forces, for Easter Encampment at National Park and Middle Head, 1887.

Terms and Conditions of Contract.

1. The contract will be for such number of carts, lorries, drays, or other vehicles as may be required from time to time for the removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place in city as required, to the Redfern Railway Station, Darling Harbour, George's and Middle and South Heads.
2. Also for the return of all such material, camp equipage, stores, and officers' baggage from the Redfern Railway Station, Darling Harbour, George's, Middle, and South Heads, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places in the city as required.

3. For the services of horses and conveyances as may be required at either camp, at a charge per diem to be stated in tender, specifying single-horse carts and two and four horse lorries.
4. The contractor to find all forage—no extra charge against the Department will be entertained.
5. Carts to be furnished on the demand of the D.A.Q.M. General or officers acting for him, the officer commanding Artillery Forces or his Adjutants.
6. In the event of any failure or unnecessary delay on part of contractor in supplying carts at the hour named, it shall be in the power of the D.A.Q.M. General, the officer commanding Artillery Forces, or officers acting for them, to hire any other carts, deducting charge for same from contract money or moneys in hand.

Sydney, 18 March, 1887.

IN conformity with notice dated 18th March, 1887, I hereby tender to provide the number of carts, lorries, and drays that may be required for the conveyance of camp equipage, material and stores, to and from the encampments to be held at National Park and Middle Head for a sum of £250; and, furthermore, to provide the services of horses and conveyances, as may be required at either camp, at the following rate per diem—one-horse, 14s.; two-horse, 25s.; four-horse, 40s.—and will comply with terms and conditions of contract in every particular.

EDWIN F. SUTTON,
Drummoyne,

Parramatta River.

SHOULD the within tender be accepted, I am prepared to place in hands of the D.A.Q.M. General, or other authorized officer, the sum of thirty pounds (£30) sterling, as a guarantee for the due performance of the contract.

EDWIN F. SUTTON,
Drummoyne.

Deputy-Assistant Quarter-Master-General's Department, March, 1887.

Cartage for Camp Equipment, Material and Stores for Permanent and Volunteer Forces, for Easter Encampment at National Park and Middle Head, 1887.

Terms and conditions of contract.

1. The contract will be for such number of carts, lorries, drays, or other vehicles as may be required from time to time for the removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place in city as required, to the Redfern Railway Station, Darling Harbour, George's and Middle and South Heads.
2. Also for the return of all such material, camp equipage, stores, and officers' baggage from the Redfern Railway Station, Darling Harbour, George's, Middle, and South Heads, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places in the city as required.
3. For the services of horses and conveyances as may be required at either camp, at a charge per diem to be stated in tender, specifying single-horse carts and two and four horse lorries.
4. The contractor to find all forage—no extra charge against the Department will be entertained.
5. Carts to be furnished on the demand of the D.A.Q.M. General or officers acting for him, the officer commanding Artillery Forces or his Adjutants.
6. In the event of any failure or unnecessary delay on part of contractor in supplying carts at the hour named, it shall be in the power of the D.A.Q.M. General, the officer commanding Artillery Forces, or officers acting for them, to hire any other carts, deducting charge for same from contract money or moneys in hand.

Sydney, 14th March, 1887.

IN conformity with notice dated March, 1887, I hereby tender to provide the number of carts, lorries, and drays that may be required for the conveyance of camp equipage, material and stores, to and from the encampments to be held at National Park and Middle Head for a sum of £125, and, furthermore, to provide the services of horses and conveyances, as may be required at either camp, at the following rate per diem—one-horse, £1; two-horse, £1 12s. 6d.; four-horse, £1 17s. 6d.—and will comply with terms and conditions of contract in every particular.

BENJ. WINDSOR, Secretary,
(For Wright, Heaton, & Co., Limited),
241, Pitt-street.

SHOULD the within tender be accepted, I am prepared to place in the hands of the D.A.Q.M. General, or other authorized officer, the sum of thirty pounds (£30) sterling, as a guarantee for the due performance of the contract.

BENJ. WINDSOR, Secretary,
(For Wright, Heaton, & Co., Limited),
241, Pitt-street.

1888.—PADDINGTON AND MIDDLE HEAD.

The Treasury, New South Wales, 26 March, 1888.

SUPPLIES, &c., FOR THE VOLUNTEER FORCE DURING THE EASTER ENCAMPMENT OF 1888, AT
PADDINGTON AND MIDDLE HEAD.

THE undermentioned tenders for supplies, &c., for the Easter Military Encampment, in accordance with Treasury notice of 5th March, 1888, having been accepted, the particulars thereof are published for the information of the departments and persons concerned.

J. F. BURNS.

(No. 1).—James Kidman.—Bread, meat, groceries, vegetables, &c.

		s.	d.
Cabin biscuits	p lb.	0	2½
Bread, 1st quality	"	0	1¾
Beef, fresh	"	0	4½
Mutton, fresh	"	0	4
Tea, black	"	1	9

Coffee

							s.	d.
Coffee, ground	...	...	...	...	...	...	£ lb.	1 7
Sugar, moist, 1st quality	...	...	...	...	...	...	"	0 3
Salt, table...	...	...	...	...	...	...	"	0 0 $\frac{1}{2}$
Pepper, black, ground	...	...	...	...	...	...	"	0 6
Sperm candles	...	...	...	...	...	...	"	0 6
Potatoes, 1st quality	...	...	...	...	...	...	£ cwt.	7 11
Mixed vegetables...	...	...	...	...	...	...	£ lb.	0 3 $\frac{1}{8}$
Milk, pure	...	...	...	...	...	...	£ quart	0 6 $\frac{1}{8}$
Wheaten straw	...	...	...	...	...	...	£ cwt.	4 11
Oaten hay...	...	...	...	...	...	...	"	5 11
Maize, whole or cracked...	...	...	...	...	...	...	£ bushel	2 11
Bran	...	...	...	...	...	...	"	0 8
Oats	...	...	...	...	...	...	"	3 0
Wood, 18-inch, billet	...	...	...	...	...	...	£ ton	22 0

(No. 2).—Peter Sutton, Abitration-street.—Cartage of Camp Material, &c.

*Cartage as per specification for a lump sum of £250 0 0

(No. 3).—Samuel Boughton, Richmond.—Construction of Latrines and Fire Screens.

Latrines as per specification for a sum of... .. £65 0 0
Fire screens as per specification, each 2 0 0

(No. 4).—R. Beckett, 49, Dowling-street.—Supplying Water-carts.

Water-carts £ diem each 11s.

The tenders received were:—

	£	s.	d.	
1. P. Sutton	250	0	0	Lump sum.
2. P. Cook; detail prices	.....		
3. J. M. Mahon & Co.	495	10	0	Lump sum.
4. John Woods; detail prices	.....		
5. J. N. B. Hyndman	375	0	0	Lump sum.
6. Wright, Heaton, & Co.	400	0	0	"

SPECIFICATION OF CONTRACT FOR CARTAGE OF CAMP MATERIAL AT THE EASTER MILITARY ENCAMPMENT.

THE contract will be for such number of horses and of carts, lorries, drays, or other vehicles, as may be required from time to time for—

- (1.) The removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place in city as required, to Middle, South, or George's Heads.
- (2.) The return of all such material, camp equipage, stores, and officers' baggage, from George's, Middle, and South Heads, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place in city as required.
- (3.) The conveyance of all camp material, stores, &c., to and from Ordnance Stores, or any place in city or suburbs, and the Rifle Range, Paddington.
- (4.) Camp service, at either or both camps (*i.e.*, Paddington and the Batteries).

The contractor to find all necessary forage. (No charge against the Department on this account will be entertained.)

Carts, &c., to be furnished in such numbers as may be necessary on demand in writing either of the D.A.Q.M. General, or officers acting for him, or the officer commanding Artillery Forces, or his Adjutants.

In the event of any failure or unnecessary delay on part of contractor in supplying carts, &c., at the times required of him, it shall be in the power of the D.A.Q.M. General, the officer commanding Artillery Forces, or officers acting for either of them, to hire any other carts, &c., and to deduct the charge for same from contract money or moneys in hand.

Cartage by the hour will be vouched for by the employing officers, who will furnish the carter with docketts, duly filled in and signed.

Tender.

Sydney, 15 March, 1888.

IN conformity with Treasury notice, dated 5th March, 1888, I hereby tender for the cartage of camp material, in terms of the foregoing specification, at the following prices, namely:—

	£	s.	d.
At camp, one-horse conveyance, at per diem of twenty-four hours	...	0	14 0
" tow-horse	"	0	15 0
" four-horse	"	0	15 0
For the other services mentioned in the specification—			
One-horse conveyance, at per hour	...	0	1 9
Two-horse	"	0	3 0
Four-horse	"	0	4 0

Or I am prepared to carry out the whole of the services mentioned in the specification for a lump sum of £250, at the option of the Government.

I enclose a marked cheque for £25, as a guarantee of good faith and as security for the satisfactory performance of the contract.

PETER SUTTON,
Circular Quay.
1889.—

The Under Secretary for Finance and Trade, &c.

1889.—NATIONAL PARK.

The Treasury, New South Wales, 20th March, 1889.

SUPPLIES, &c., FOR THE VOLUNTEER FORCE DURING THE EASTER ENCAMPMENT OF 1889, AT NATIONAL PARK AND MIDDLE HEAD.

THE undermentioned Tenders for Supplies, &c., for the Easter Military Encampment, in accordance with Treasury notice of 12th March, 1889, having been accepted, the particulars thereof are published for the information of the Departments and persons concerned.

W. McMILLAN.

Section I.—James Kidman.							s.	d.
Cabin biscuits	...	...	...	...	...	Ⓟ lb.	0	2½
Bread, 1st quality	...	...	...	...	...	"	0	2¼
Beef, fresh	...	...	...	...	...	"	0	4¼
Mutton, fresh	...	...	...	...	...	"	0	4½
Tea, black	...	...	...	...	...	"	1	8½
Coffee, ground	...	...	...	...	...	"	1	7
Sugar, moist, 1st quality	...	...	...	...	...	"	0	3¼
Salt, table	...	...	...	...	...	"	0	0¼
Pepper, black, ground	...	...	...	...	...	"	0	7¼
Sperm candles	...	...	...	...	...	"	0	6¾
Potatoes, 1st quality	...	...	...	...	...	Ⓟ cwt.	9	7¼
Mixed vegetables	...	...	...	...	...	Ⓟ lb.	0	3¼
Onions, dry	...	...	...	...	...	Ⓟ cwt.	11	6
Milk, pure	...	...	...	...	...	Ⓟ quart	0	4½

Section II.—William Phillips.

Wheaten straw	...	...	...	...	...	Ⓟ cwt.	5	6
Hay, oaten	...	...	...	...	...	"	7	6
Chaff	...	...	...	...	...	"	7	6
Maize, cracked	...	...	...	...	...	Ⓟ bushel	3	9
Bran	...	...	...	...	...	"	1	3
Oats	...	...	...	...	...	"	3	9

Section III.—William Hillier, Sutherland.

Wood, 18-inch billet—For National Park	Ⓟ ton	25	0
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James Kidman.

Wood, 18-inch billet—For Middle Head	Ⓟ ton	27	9
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*(No. 4).—Peter Sutton, Circular Quay.—Cartage of Camp Material, &c.
Cartage, as per specification for a lump sum of £600

(No. 5).—Samuel Boughton, Richmond.—Construction of Latrines, National Park.

Latrines, as per specification for a sum of	£79
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*The tenders received were—

No. 1—C. B. Vintmer	£850
No. 2—Wright, Heaton & Co.	630
No. 3—P. Sutton	600

SPECIFICATION OF CONTRACT FOR CARTAGE OF CAMP MATERIAL, AND FOR SUPPLY OF PACK AND OTHER HORSES, AT THE EASTER MILITARY ENCAMPMENT, 1889 (NATIONAL PARK AND MIDDLE HEAD).

THE contract will be for such number of horses and carts, lorries, drays, or other vehicles, as may be required from time to time, during the continuance of the encampment, namely, 4th April to 13th May, 1889, for—

- (1.) The removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places within a radius of 5 miles from the General Post Office as required, to Middle, South, and George's Heads, Redfern Railway Station, and Darling Harbour.
- (2.) The return of all such material, camp equipage, stores, and officers' baggage, from George's Middle, and South Heads, Redfern Railway Station, and Darling Harbour, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place within a radius of 5 miles from the General Post Office, as required.
- (3.) Camp service, at either or both camps (*i.e.*, National Park and the batteries), and
- (4.) For horses for ambulance, water-cart, and other military services.

The contractor to find all necessary forage, harness, &c., &c., to provide competent drivers, and to pay all ferry dues. (No charge against the Department on these accounts will be entertained.)

Horses, carts, &c., to be furnished in such numbers and for such length of time as may be necessary on demand in writing either of the D.A.Q.M. General, or officers duly authorized, whose names will be communicated to the contractor, and whose signatures alone will be recognized.

In the event of any failure or unnecessary delay on part of contractor in supplying horses, carts, &c., at the times required of him, it shall be in the power of the D.A.Q.M. General, or the duly authorized officers acting for him, to hire any other horses, carts, &c., at the contractor's risk and expense, and to deduct the charge for same from contract money or moneys in hand.

Cartage, &c., will be vouched for by the employing officers, who will furnish the carter with dockets duly filled in and signed, and no account for such cartage will be passed without the production by the contractor of such dockets (except in the event of the contract being let for a lump sum, in which case no dockets will be required).

Tender

Tender.

Sydney, 19 March, 1889.

In conformity with Treasury notice, dated 12th March, 1889, I hereby tender for the cartage of camp material, and for the supply of horses for ambulance and other military purposes, in terms of the foregoing specification, at the following prices, namely:—

	£	s.	d.
At Camp, one-horse conveyance, at per diem of twenty-four hours	0	12	0
„ two-horse „ „ „	0	19	0
„ four-horse „ „ „	1	5	0
„ each horse for ambulance, water-cart, and other military purposes (see clause 4), at per diem of twenty-four hours	0	12	0
For the other services mentioned in the specification—			
One-horse conveyance, at per diem of twenty-four hours	0	12	0
Two-horse „ „ „	1	0	0
Four-horse „ „ „	1	5	0

Or I am prepared to carry out the whole of the services mentioned in the specification for a lump sum of £600, at the option of the Government.

I enclose a marked cheque for £100, as a guarantee of good faith, and as security for the satisfactory performance of the contract.

PETER SUTTON,
Circular Quay.

The Under Secretary for Finance and Trade, &c.

EXTRACT from proceedings of a Board of Officers assembled at Military Staff Office, on the 14th March, 1890, by order of the Officer Commanding the Garrison, bearing date 11th March, 1890 (G.O. 45), to open, examine, and report on tenders for cartage of camp material, &c., &c.

President:—

Lieut.-Col. Eden, Permanent Staff.

Members:—

Major Bartlett (Adj't., 1st Regt.) | Capt. Sparrow (Adj't., M.I.)

THE Board having assembled pursuant to the above order, proceed to open tenders preferred for its attention in the D.A.Q.M.G. tender box. The Board appends to these proceedings three schedules of tenders, under heads of A—"Supplies," B—"Cartage," and C—"Canteens."

With regard to Schedule B, the Board considers Mr. Sutton's tender the one most calculated to produce satisfaction, and his prices are on the whole the lowest. His lump sum is hardly £3 higher than the lowest tender. A knowledge of the manner he conducted his last contract induces the Board to present an extra recommendation of this tenderer.

T. M. EDEN, Lieut.-Col.,
President.
C. F. BARTLETT, Major,
H. G. B. SPARROW, Capt.,
Members.

THE recommendations of the Board approved, and tenders accepted.

With regard to Mr. Sutton's tender for cartage, it is accepted on the written agreement that work will be carried out from 18th instant inclusive without extra charge; *vide* attached paper. Tender for work is accepted under lump sum.

WARNER SPALDING, Col.,
Senior Officer in Garrison
(For Major-General Comg.), 15/3/90.

In the event of our tender being accepted, we are willing to start work on 18th instant, instead of 20th instant, as stated in tender.

Yours obediently,
SUTTON & SONS.

SPECIFICATION OF CONTRACT FOR CARTAGE OF CAMP MATERIAL, AND FOR SUPPLY OF PACK AND OTHER HORSES AT THE EASTER MILITARY ENCAMPMENT, 1890.—NATIONAL PARK AND MIDDLE HEAD.—SECURITY—£100.

THE contract will be for such number of horses and of carts, lorries, drays, or other vehicles, and for such tanks for conveyance of water, as may be required from time to time, during the continuance of the encampment, namely, 20th March to 1st of May, 1890, for—

- (1.) The removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places within a radius of 5 miles from the General Post Office as required, to Middle, South, and George's Heads, Redfern Railway Station, and Darling Harbour, and should any troops proceed to National Park by road, conveyance also for any stores they may require to accompany them.
 - (2.) The return of all such material, camp equipage, stores, and officers' baggage, from George's, Middle, and South Heads, Redfern Railway Station, Darling Harbour, and National Park, to accompany troops marching to Sydney, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place within a radius of 5 miles from the General Post Office, as required.
 - (3.) Camp service, at either or both camps (*i.e.*, National Park and the Batteries), including the provision of water-tanks for carrying water and all other appurtenances required for filling the same.
 - (4.) For horses for ambulance, water-cart, pack purposes, and other military services (excluding guns).
- The contractor to find all necessary attendance, forage, stabling on all occasions, harness, &c., &c., to provide competent drivers, when required, and to pay all ferry dues. (No charge against the Department on these accounts will be entertained).
- Horses

Horses, carts, &c., to be furnished in such numbers and for such length of time as may be necessary on demand in writing either of the D.A.Q.M. General, or officers duly authorized, whose names will be communicated to the contractor, and whose signatures alone will be recognized.

In the event of any failure or unnecessary delay on part of contractor in supplying horses, carts, &c., at the times required of him, it shall be in the power of the D.A.Q.M. General, or the duly authorized officers acting for him, to hire any other horses, carts, &c., at the contractor's risk and expense, and to deduct the charge for the same from contract money or moneys in hand.

Cartage, &c., will be vouched for by the employing officers, who will furnish the carter with dockets duly filled in and signed, and no account for such cartage will be passed without the production by the contractor of such dockets (except in the event of the contract being let for a lump sum, in which case no dockets will be required).

Tender.

Sydney, 13 March, 1890.

IN conformity with notice in *Sydney Morning Herald*, 1890, we hereby tender for the cartage of camp material, and for the supply of horses for ambulance and other military purposes, in terms of the foregoing specification, at the following prices, namely:—

	£	s.	d.
At Camp, one-horse conveyance, at per diem of twenty-four hours ...	1	6	3
" two-horse " " " " ...	2	15	9
" four-horse " " " " ...	4	0	0
" each horse for ambulance, water-cart, and other military purposes (see clause 4), at per diem of twenty-four hours ...	1	6	3
For the other services mentioned in the specification:—			
One-horse conveyance, at per diem of twenty-four hours ...	1	6	3
Two-horse " " " " ...	2	15	9
Four-horse " " " " ...	4	0	0
Each horse for ambulance, or other military purposes ...	1	6	3

Or we are prepared to carry out the whole of the services mentioned in the specification for a lump sum of £795, at the option of the officer commanding the Military Forces.

We enclose a marked cheque for £100, as a guarantee of good faith and as security for the satisfactory performance of the contract.

SUTTON AND SONS,

The D.A.Q.M. General, Military Staff Office, &c., &c., &c.

Circular Quay.

SPECIFICATION OF CONTRACT FOR CARTAGE OF CAMP MATERIAL AND FOR SUPPLY OF PACK AND OTHER HORSES AT THE EASTER MILITARY ENCAMPMENT, [1890—NATIONAL PARK AND MIDDLE HEAD—SECURITY, £100.

THE contract will be for such number of horses and of carts, lorries, drays, or other vehicles, and for such tanks for conveyance of water as may be required from time to time during the continuance of the encampment, namely, 20th March to 1st May, 1890, for—

- (1.) The removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places within a radius of 5 miles from the General Post Office, as required, to Middle, South, and George's Heads, Redfern Railway Station, and Darling Harbour, and should any troops proceed to National Park by road, conveyance also for any stores they may require to accompany them.
- (2.) The return of all such material, camp equipage, stores, and officers' baggage, from George's Middle, and South Heads, Redfern Railway Station, Darling Harbour, and National Park, to accompany troops marching to Sydney, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place within a radius of 5 miles from the General Post Office, as required.
- (3.) Camp service at either or both camps (*i.e.*, National Park and the Batteries), including the provision of water-tanks for carrying water, and all other appurtenances required for filling the same.
- (4.) For horses for ambulance, water-cart, pack purposes, and other military services (excluding guns).

The contractor to find all necessary attendance, forage, stabling on all occasions, harness, &c., &c., to provide competent drivers when required, and to pay all ferry dues. (No charge against this department on these accounts will be entertained.)

Horses, carts, &c., to be furnished in such numbers and for such length of time as may be necessary, on demand in writing either of the D.A.Q.M. General or of officers duly authorized, whose names will be communicated to the contractor, and whose signatures alone will be recognized.

In the event of any failure or unnecessary delay on part of contractor in supplying horses, carts, &c., at the times required of him, it shall be in the power of the D.A.Q.M. General, or the duly authorized officers acting for him, to hire any other horses, carts, &c., at the contractor's risk and expense, and to deduct the charge for the same from contract money or moneys in hand.

Cartage, &c., will be vouched for by the employing officers, who will furnish the carter with dockets duly filled in and signed, and no account for such cartage will be passed without the production by the contractor of such dockets (except in the event of the contract being let for a lump sum, in which case no dockets will be required).

Tender.

Sydney, 1 March, 1890.

IN conformity with notice in *Sydney Morning Herald*, 1890, we hereby tender for the cartage of camp material and for the supply of horses for ambulance and other military purposes in terms of the foregoing specification, at the following prices, namely:—

	£	s.	d.
At camp, one-horse conveyance, at per diem of twenty-four hours ...	1	6	9
" two-horse " " " " ...	2	15	0
" four-horse " " " " ...	3	15	0
" each horse for ambulance, water-cart, or other military purposes (see clause 4), at per diem of twenty-four hours ...	1	6	0

For

For other purposes mentioned in the specification—				£	s.	d.
One-horse conveyance, at per diem of twenty-four hours	...	...	...	1	6	9
Two-horse	"	"	...	2	15	0
Four-horse	"	"	...	3	15	0
Each horse for ambulance or other military purposes, at per diem of twenty-four hours	...	...	...	1	6	0

Or we are prepared to carry out the whole of the services mentioned in the specification for a lump sum of £792 12s., at the option of the officer commanding the Military Forces.

We enclose a marked cheque for £100 as a guarantee of good faith and as security for the satisfactory performance of the contract.

JAMES M'MAHON & Co.,
Circular Quay.

The D.A.Q.M. General, Military Staff Office, &c.

SPECIFICATION OF CONTRACT FOR CARTAGE OF CAMP MATERIAL, AND FOR SUPPLY OF PACK AND OTHER HORSES AT THE EASTER MILITARY ENCAMPMENT, 1890, NATIONAL PARK AND MIDDLE HEAD—SECURITY, £100.

THE contract will be for such number of horses, and of carts, lorries, drays, or other vehicles, and for such tanks for conveyance of water, as may be required from time to time, during the continuance of the encampment, namely, 20th March to 1st May, 1890, for—

- (1.) The removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places within a radius of 5 miles from the General Post Office, as required, to Middle, South, and George's Heads, Redfern Railway Station, and Darling Harbour; and should any troops proceed to National Park by road, conveyance also for any stores they may require to accompany them.
- (2.) The return of all such material, camp equipage, stores, and officers' baggage, from George's Middle, and South Heads, Redfern Railway Station, Darling Harbour, and National Park, to accompany troops marching to Sydney, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other place within a radius of 5 miles from the General Post Office, as required.
- (3.) Camp service at either or both camps (*i.e.*, National Park and the Batteries), including the provision of water tanks for carrying water, and all other appurtenances required for filling the same.
- (4.) For horses for ambulance, water-cart, pack purposes, and other military services (excluding guns).

The contractor to find all necessary attendance, forage, stabling on all occasions, harness, &c., to provide competent drivers when required, and to pay all ferry dues. (No charge against the Department on these accounts will be entertained.)

Horses, carts, &c., to be furnished in such numbers and for such length of time as may be necessary on demand in writing either of the D.A.Q.M. General, or of officers duly authorized, whose names will be communicated to the contractor, and whose signatures alone will be recognized.

In the event of any failure or unnecessary delay on part of contractor in supplying horses, carts, &c., at the times required of him, it shall be in the power of the D.A.Q.M. General, or the duly authorized officers acting for him, to hire any other horses, carts, &c., at the contractor's risk and expense, and to deduct the charge for the same from contract money or moneys in hand.

Cartage, &c., will be vouched for by the employing officers, who will furnish the carter with dockets duly filled in and signed, and no account for such cartage will be passed without the production by the contractor of such dockets (except in the event of the contract being let for a lump sum, in which case no dockets will be required).

Tender.

Sydney, 14 March, 1890.

IN conformity with notice in *Sydney Morning Herald*, 1890, we hereby tender for the cartage of camp material, and for the supply of horses for ambulance and other military purposes, in terms of the foregoing specification, at the following prices, namely:—

				£	s.	d.
At camp, one-horse conveyance, at per diem of twenty-four hours	...	...	...	1	6	0
" two-horse	"	"	...	2	18	0
" four-horse	"	"	...	3	10	0
" each horse, for ambulance, water-cart, and other military purposes (see clause 4), at per diem, of twenty-four hours	...	...	...	1	7	0
For the other services mentioned in the specification—						
One-horse conveyance, at per diem of twenty-four hours	...	...	...	1	6	0
Two-horse	"	"	...	2	18	0
Four-horse	"	"	...	3	10	0
Each horse for ambulance or other military purposes, at per diem of twenty-four hours	...	...	...	1	7	0

Or we are prepared to carry out the whole of the services mentioned in the specification for a lump sum of £781 13s. 4d., at the option of the officer commanding the Military Forces.

We enclose a marked cheque for £100, as a guarantee of good faith, and as security for the satisfactory performance of the contract.

JOHN WOODS,
City Carrying Company, Circular Quay.

The D.A.Q.M. General, Military Staff Office, &c.

SPECIFICATION OF CONTRACT FOR CARTAGE OF CAMP MATERIAL AND FOR SUPPLY OF PACK AND OTHER HORSES AT THE EASTER MILITARY ENCAMPMENT, 1890—NATIONAL PARK AND MIDDLE HEAD—SECURITY, £100.

THE contract will be for such number of horses and of carts, lorries, drays, or other vehicles, and for such tanks for conveyance of water as may be required from time to time during the continuance of the encampment, namely, 20th March to 1st May, 1890, for—

- (1.) The removal and conveyance of camp equipage, stores, officers' baggage, and other material from the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places within a radius of 5 miles from the General Post Office as required, to Middle, South, and George's Heads, Redfern Railway Station, and Darling Harbour, and should any troops proceed to National Park by road, conveyance also for any stores they may require to accompany them.
- (2.) The return of all such material, camp equipage, stores, and officers' baggage, from George's, Middle, and South Heads, Redfern Railway Station, Darling Harbour, and National Park, to accompany troops marching to Sydney, to the Ordnance Stores, Victoria Barracks, Dawes' Battery, or other places within a radius of 5 miles from the General Post Office, as required.
- (3.) Camp service at either or both camps (*i.e.*, National Park and the Batteries) including the provision of water-tanks for carrying water, and all other appurtenances required for filling the same.
- (4.) For horses for ambulance, water-cart, pack purposes, and other military services, excluding guns. The contractor to find all necessary attendance, forage, stabling on all occasions, harness, &c., &c., to provide competent drivers, when required, and to pay all ferry dues. (No charge against the Department on these accounts will be entertained.)

Horses, carts, &c., to be furnished in such numbers and for such length of time as may be necessary on demand in writing, either of the D.A.Q.M. General or of officers duly authorized, whose names will be communicated to the contractor, and whose signatures alone will be recognized.

In the event of any failure or unnecessary delay on part of contractor in supplying horses, carts, &c.; at the times required of him, it shall be in the power of the D.A.Q.M. General, or the duly authorized officers acting for him, to hire any other horses, carts, &c., at the contractor's risk and expense, and to deduct the charge for the same from contract money or moneys in hand.

Cartage, &c., will be vouched for by the employing officers, who will furnish the carter with dockets, duly filled in and signed, and no account for such cartage will be passed without the production by the contractor of such dockets (except in the event of the contract being let for a lump sum, in which case no dockets will be required).

Tender.

Sydney, 14 March, 1890.

In conformity with notice in *Sydney Morning Herald*, 1890, we hereby tender for the cartage of camp material, and for the supply of horses for ambulance and other military purposes, in terms of the foregoing specification, at the following prices, namely:—

	£	s.	d.
At camp, one-horse conveyance, at per diem of twenty-four hours ...	1	7	9
„ two-horse „ „ „ „ „ „ „ „ „ ..	2	17	6
„ four-horse „ „ „ „ „ „ „ „ „ ..	3	17	6
„ each horse for ambulance, water-cart, and other military purposes (see clause 4), at per diem of twenty-four hours ...	1	6	0
For the other services mentioned in the specification—			
One-horse conveyance, at per diem of twenty-four hours ...	1	7	9
Two-horse „ „ „ „ „ „ „ „ ..	2	17	6
Four-horse „ „ „ „ „ „ „ „ ..	3	17	6
Each horse for ambulance or other military purposes, at per diem of twenty-four hours ...	1	6	0

Or we are prepared to carry out the whole of the services mentioned in the specification for a lump sum of £825 at the option of the officer commanding the Military Forces.

We enclose a marked cheque for £100, as a guarantee of good faith and as security for the satisfactory performance of the contract.

WRIGHT, HEATON, & CO.,

EDWARD HEATON,
Managing Director.

The D.A.Q.M. General, Military Staff Office, &c.

RETURN showing the name and amount of each tender, and name and amount of successful tenderer in each year:—

1885.

Work performed by local carters, £265 15s. 9d.

1886.

Wright, Heaton & Co., £60, and 20s. per diem for each single-horse conveyance, and 30s. per diem for each two-horse conveyance required extra.

1887.

Wright, Heaton & Co., 20s., 32s. 6d., and 37s. 6d. per one, two, and four horse carts per diem respectively, or for lump sum of £125.

J. F. Hartigan, 11s., 17s. 6d., and 25s. per one, two, and four horse carts respectively, per diem, or for lump sum of £100.

Edwin F. Sutton, 14s., 25s., and 40s. per one, two, and four horse carts respectively, per diem, or for lump sum of £250.

Wright, Heaton, & Co.'s contract accepted by the day.

1888 and 1889 contracts made by the Treasury.

1890.

James M'Mahon & Co., 26s. 9d., 55s., and 75s. per one, two, and four horse cart respectively, per diem, or for lump sum of £792 12s.

City Carrying Company, 26s., 58s., and 70s. per one, two, and four horse cart respectively, per diem, or for lump sum of £781 13s. 4d.

Wright, Heaton, & Co., 27s. 9d., 57s. 6d., and 77s. 6d. per one, two, and four horse cart respectively per diem, or for lump sum of £825.

P. Sutton and Sons, 26s. 3d., 55s. 9d., and 80s., per one, two, and four horse cart respectively, per diem, or for lump sum of £795.

P. Sutton and Sons' contract accepted.

J. E. D. TAUNTON, Major,

Deputy-Assistant Quarter-Master-General.

Cartage, Camp Equipments.

RETURN from the Chief Paymaster, showing the sums actually paid for this Service in each year, and the amounts paid as extras; also to whom paid:—

There does not appear to have been any contract for camp cartage, 1885. The work was performed by local carters; the cost being £265 15s. 9d.

Wright, Heaton, & Co, were the contractors in 1886; the cost being £282 16s. 6d. No extras were paid; from the wording of the contract I am unable to say whether any extras have been paid. The amount was paid to Wright, Heaton, & Co.

Wright, Heaton, & Co., were the contractors in 1887; the cost being £510 7s. Extras to the amount of £41 14s. are included. Paid to Wright, Heaton, & Co.

P. Sutton was the contractor in 1888; the cost being £313 8s. 6d. Extras to the amount of £63 8s. 6d. are included. Paid to P. Sutton.

P. Sutton was the contractor in 1889; the cost being £673 1s. Extras to the amount of £73 1s. are included. Paid to P. Sutton.

Sutton and Sons were the contractors for 1890; cost being £795. No extras have been paid.

C. SOLOMON, C.P.M.

1890.

NEW SOUTH WALES.

VOLUNTEER FORCE REGULATION ACT OF 1867.

(AMENDED REGULATIONS.)

Presented to Parliament, pursuant to Act, 31 Vic. No. 5, section 50.

Colonial Secretary's Office,
Sydney, 16th January, 1890.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following Amended Regulations under the "Volunteer Force Regulation Act of 1867," to take effect from the 1st instant.

HENRY PARKES.

105. No officer or volunteer under the system of partial payment shall, except in the case of Medical Officers, Quartermasters, and Quartermaster Sergeants, be entitled to classify as an efficient on the 1st January of any year, unless during the previous year he has attended as under:—

CAVALRY.

- (a) Continuous training and exercise for nine days at Easter or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.
- (c) Nine out of thirteen half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Regiment or Corps belongs, as the Officer Commanding Volunteer Force may appoint.
- (d) Course of Musketry. (Regimental Staff excepted.)
- (e) Annual inspection by the Officer Commanding Volunteer Force, or his representative, to be included in (a), (b), or (c), as that Officer may direct.

ARTILLERY.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.
- (c) Eleven out of sixteen half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Regiment or Corps belongs, as the Officer Commanding Volunteer Force may appoint.
- (d) Shot practice to be included in any of the above, as the Officer Commanding Artillery Forces may direct.
- (e) Annual inspection by the Officer Commanding Volunteer Force, or his representative, to be included in any of the above, as that Officer may direct.

ENGINEERS.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.

- (c) Nine out of fourteen half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Corps belongs, as the Officer Commanding Volunteer Force may appoint.

- (d) Nine out of thirteen night drills ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Corps belongs, as the Officer, Commanding the Corps may appoint.

- (e) Annual inspection by the Officer Commanding Volunteer Force, or his representative, to be included in any of the above, as that Officer may direct.

SUBMARINE MINERS.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.

- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.

- (c) Fifteen out of twenty-two half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Corps belongs, as the Officer Commanding Volunteer Force may appoint.

- (d) Annual inspection by the Officer Commanding Volunteer Force, or his representative, to be included in any of the above, as that officer may direct.

MOUNTED INFANTRY.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.

- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.

- (c) Nine out of thirteen half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Regiment or Corps belongs, as the Officer Commanding Volunteer Force may appoint.

- (d) Course of Musketry. (Regimental Staff excepted.)

- (e) Annual inspection by the Officer Commanding Volunteer Force, or his representative, to be included in (a), (b), or (c), as that Officer may direct.

INFANTRY.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.
- (c) Nine out of thirteen half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Regiment or Corps belongs, as the Officer Commanding Volunteer Force may appoint.
- (d) Course of Musketry. (Regimental Staff excepted.)
- (e) Annual inspection by the Officer Commanding Volunteer Force, or his representative, to be included in (a), (b), or (c), as that Officer may direct.

MEDICAL STAFF CORPS.

- (a) Continuous training and exercise for nine days at Easter, or other convenient time, and at such place as the Governor may appoint.
- (b) Two detached days out of three ordered for training, exercise, and instruction, at such times and places as the Officer Commanding Volunteer Force may appoint.
- (c) Eight out of twelve half-days ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Corps belongs, as the Officer Commanding Volunteer Force may appoint.
- (d) Seven out of ten night drills ordered for training, exercise, and instruction, at such times and places, in any part of the district to which his Corps belongs, as the Officer Commanding the Corps may appoint.
- (e) Annual inspection by the Officer Commanding Volunteer Force or his representative, to be included in any of the above as that Officer may direct.

CORPS AND REGIMENTS GENERALLY.

- (f) If absent *with leave* from annual inspection of Officer Commanding Volunteer Force, or his representative, or through sickness duly certified, one attendance will be required in addition to those enumerated in (b) or (c).

(g) If absent *without leave* from annual inspection of Commanding Officer or his representative, or through sickness duly certified, one attendance will be required in addition to those enumerated in (b) or (c).

(h) Attendance at whole day parades (b) when in excess of those required for efficiency will be permitted to count towards the same in place of a half-day parade or night drill. In like manner half-day parades may count in place of night-drills.

107. For the purpose of efficiency, the duration of parades shall be at least six hours for full day, two hours for half-day, and one hour at night; but should Corps or Regiments having assembled be dismissed through inclement weather or other cause before the hour specified be passed, such parade may be returned under the authority of the Officer Commanding Volunteer Force.

108. The Field Officers of a Corps or Regiment are not to be absent from Inspection by the Officer Commanding Volunteer Force without first having obtained his leave.

110. Other Officers and Volunteers who desire to be absent from Inspection for any special reason must apply to the Commanding Officers of Corps or Regiments, stating reasons for their applications. If such reasons are not satisfactory, leave will be refused. In case of sickness a medical certificate must be transmitted within one week.

126. Pay and allowances shall be granted to the several ranks at such rates as may be sanctioned by the Government; but payment shall, under no circumstances other than those noted in paragraphs 23 and 106, be made, except for performance of actual duty, and on the following system,—for example, in the case of troopers, gunners, sappers, and privates:—

- (a) 10s. for each full day's attendance during the continuous and detached periods of training, and in the latter case to cover cost of provisions.
- (b) 5s. for each half-day's attendance.
- (c) 2s. for each night attendance.
- (d) 15s. for course of musketry with classification as marksman, 10s. as 1st-class shots, and 5s. as 2nd-class shots.
- (e) Balance unappropriated as above and equalling one-sixth of annual rate of pay as bonus for efficiency, and in the case of Submarine Miners for extra proficiency.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMPERIAL NAVY.

(INFORMATION RESPECTING COMMITTALS TO DARLINGHURST GAOL OF MEN BELONGING TO.)

Ordered by the Legislative Assembly to be printed, 3 June, 1890.

[Laid upon the Table of the House in accordance with promise made in answer to Question No. 4, Votes, &c., No. 15, Tuesday, 3 June, 1890.]

Questions.

4. MR. MELVILLE asked THE MINISTER OF JUSTICE,—

- (1.) How many men belonging to the Imperial Navy were committed to Darlinghurst Gaol from 10th December, 1889, to 10th March, 1890?
- (2.) What were their respective offences, and what the sentences to which they were condemned?
- (3.) To what ships did these prisoners respectively belong?
- (4.) How many men have been committed to Darlinghurst Gaol from H.M.S. "Egeria" since 28th April, 1890?
- (5.) For what offences have they been condemned, and to what terms of imprisonment respectively have they been sentenced?

Answers.

(1.) Twelve.

- (2 and 3.)
1. Desertion; 6 months' hard labour, and dismissed Her Majesty's Service at the expiration thereof. H.M.S. "Orlando."
 2. Broke away from ship while in dock, and remained absent 95½ hours; 3 months' hard labour. H.M.S. "Rapid."
 3. Refused to do his punishment of 1 day's pay; one turn of leave stopped, and 7 days' 10 A awarded, and for being absent 4½ hours; and again, on the 28th December, persisted in his refusal; 42 days' hard labour. H.M.S. "Egeria."
 4. Broken his leave 38 hours, and having violently resisted arrest by ship's police; 90 days' hard labour. H.M.S. "Orlando."
 5. Remained absent over his leave 34 hours; 42 days' hard labour. H.M.S. "Orlando."
 6. Broke his leave 10½ hours; 21 days' hard labour. H.M.S. "Rapid."
 7. Refused to carry out the punishment of 14 days' 10 A, awarded with 2nd class for conduct; 90 days leave stopped; 4 days' pay forfeited, and reduced to 3rd class for leave, for breaking out of the ship and remaining absent 23 hours; 28 days' hard labor. H.M.S. "Egeria."
 8. Broke his leave 16 hours. 28 days' hard labor. H.M.S. "Dart."
 9. Refused to undergo 5 days' 10 A, Admiralty punishment, awarded him by the Senior-Lieutenant. 21 days' hard labor, H.M.S. "Rapid."
 10. Absented himself over leave 2 hours; was apprehended in hiding on Cockatoo Island, and was brought on board by the ship's police; unfit for duty after returning on board for 1 hour, and did behave in an insubordinate manner when ordered below by the 1st Lieutenant; also, on the following day, when brought before me for the above offence, did use insubordinate language, saying that "since he had been on the ship he could not have been treated worse if he had committed felony or murder"; 28 days' hard labour. H.M.S. "Egeria."

11. Absented himself over leave 2 hours; was apprehended in hiding on Cockatoo Island, and was brought on board by the ship's police, and unfit for duty 1 hour; also, when seen on the quarter-deck for the above offence and punished by me, did behave in a disrespectful manner, and say, "Thank you" when punished; 21 days' hard labour. H.M.S. "Egeria."
12. Broken out of the ship about 8:15 p.m., and remained absent 39 hours; also returning on board drunk, and remaining unfit for duty $4\frac{1}{2}$ hours; also, on the 10th instant, did refuse to do his duty when ordered by the Senior Lieutenant; 60 days' hard labour. H.M.S. "Egeria."

(4.) Six.

- (5.) 1. Spoke in a very disrespectful manner to F. G. Deacon, Bombardier, R.M.A., when ordered to go on deck, saying, "I might go on deck, and I might not," and on being told that he would be reported, did further use disgusting language; did neglect to keep his rifle clean, and did disobey orders in not cleaning his rifle when ordered to do so by F. G. Deacon, Bombardier, R.M.A.; did behave in a contemptuous manner to Bombardier Deacon, R.M.A., in not answering him when he inquired if he had cleaned his rifle; 42 days' hard labour.
2. Broke out of H.M.S. "Egeria," at 10 p.m. on 3rd March, and remained absent till 9:30 p.m. on the 13th *idem*, when he gave himself up on board H.M.S. "Raven," after an absence of $239\frac{1}{2}$ hours; 90 days' hard labour. Was sentenced on board H.M.S. "Orlando."
3. Not falling in on the quarter-deck in a proper manner when ordered to do so by Bombardier Deacon, and when fallen in for punishment did not perform it properly, but said he would see the 1st Lieutenant before doing it; disobeying orders in not cleaning in a coaling suit, and when seen by the 1st Lieutenant did use impertinent language, and did not go to his work for 55 minutes, until observed to be absent by the Senior Lieutenant; did not perform his duty as hammock-stower, and when fallen in with the remainder of the topmen was very disrespectful in his manner; 27 days' hard labour.
4. Refused to carry out the punishment of 3 days 10 Δ , awarded for carelessness, and again when seen by me on the quarter-deck on the 19th day of April, 1890, did still persist in his refusals, saying that he did not see why he should be made to work all day from 4 in the morning until 6 at night; 60 days' hard labour.
5. Broke away from Edwin Clarke, ship's corporal, when sent to the hospital to visit a shipmate who was dangerously ill and expressed a wish to see him, and did remain absent $2\frac{1}{2}$ hours, until apprehended by the police; 42 days' hard labour.
6. Refused to go below and scrub his mess out when ordered by the Senior Lieutenant; 42 days' hard labour.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMPERIAL NAVY.

(IMPRISONMENT OF MEN OF—AMENDED REPLIES TO QUESTIONS RESPECTING.)

Ordered by the Legislative Assembly to be printed, 4 September, 1890.

[Laid upon the Table in answer to Question No. 3, of 5th August, 1890.]

Questions.

- (3.) MR. MELVILLE *asked* THE MINISTER OF JUSTICE,—
- (1.) How many men belonging to the Imperial Navy were committed to Darlinghurst Gaol between 2nd June and 22nd June, 1890?
 - (2.) Of the above number, how many belonged to H.M.S. "Egeria," and on what charges were they sentenced?
 - (3.) Were any of the prisoners belonging to H.M.S. "Egeria" released before the expiration of their sentence; and, if so, for what purpose, and by whose authority?

Answers.

- (1.) Seven.
- (2.) Three, who formerly belonged to H.M.S. "Egeria," were committed to gaol from the "Orlando" for the following offences which took place on board the "Egeria":—
 - (a.) J.B.—Broke away from H.M.S. "Egeria" at Sydney at about 1 a.m., 11th June, and was apprehended by the police at 6 p.m. on 12th June, after an absence of forty-one hours. Ninety days imprisonment with hard labour.
 - (b.) R.L.—Broke away from H.M.S. "Egeria" at Sydney, at about 1 a.m., and remained absent forty-one hours, when he was arrested by the police at 6 p.m. on 12th June. Forty-two days' imprisonment with hard labour.
 - (c.) G.D.—1st. Deserting his post when on duty as sentry on board H.M.S. "Egeria." 2nd. Improperly leaving his ship "Egeria." To be imprisoned for eighteen calendar months with hard labour, and at the expiration thereof to be dismissed from Her Majesty's service.
- (3.) Prisoner R.L. was released before the expiration of his sentence, for what purpose the release does not state. The warrant of release was signed by Lord Charles Thomas Montagu Douglas Scott, by virtue of the power and authority vested in him by the Naval Discipline Act.

1890.

NEW SOUTH WALES.

CIVIL SERVICE ACT, 1884.

(REPORT OF BOARD FOR 1889.)

Presented to Parliament, pursuant to Act 48 Vic. No. 24, sec. 62.

REPORT

OF THE

CIVIL SERVICE BOARD OF NEW SOUTH WALES,

For the Year 1889.

To His Excellency the Right Honorable CHARLES ROBERT, BARON CARRINGTON, a Member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies:

MAY IT PLEASE YOUR EXCELLENCY,—

1. We have the honor to submit our Annual Report for the year 1889, in terms of the 62nd section of the "Civil Service Act, 1884."

2. THE HON. G. EAGAR retired from the Board in the order of rotation on 31st December, 1888, and the vacancy thus occasioned was filled by the appointment of JOHN RAE, Esq.

3. In pursuance of the terms of the 13th section, JOHN WILLIAMS, Esq., was re-elected Chairman at a meeting of the Board held on 10th January.*

4.

* On the 31st December last Mr. Williams retired from the Board in the order of rotation, and the vacancy was filled by the reappointment of the Honorable G. Eagar. Mr. Thomas Littlejohn was unanimously elected chairman.

4. Forty-six meetings of the Board have been held for the transaction of business during the year.

5. The returns furnished in terms of sections 25 and 62 show—

Increases under the following heads, viz. :—

Appointments of probationers	...	...	...	23
„ under section 7	...	...	...	217
„ „ 8	...	...	...	317
„ „ 28	...	...	...	8
„ „ 29	...	...	...	.....
„ of temporary officers under section 31	...	...	...	138
„ of teachers	...	...	...	424
				1,127

And decreases as under :—

Retirements	...	...	...	...	161
Resignations	...	...	...	...	333
Deaths	...	...	...	...	56
Abolition of office	...	...	...	...	67
Dismissals	...	...	...	...	48
					665

The actual increases have therefore been 462

The returns of Teachers in the Department of Public Instruction show 13 retirements, 253 resignations, 17 dismissals, and 12 deaths, which are included in the above.

6. We have dealt with 328 appointments, promotions, and transfers under the provisions of section 27, and have to report that the recommendations made by the Heads of Departments have generally had the concurrence of the Board.

7. A large proportion of the business brought under the consideration of the Board has been in reference to the claims of officers for retiring allowances, consequent on their services having been dispensed with for purposes of retrenchment in various Departments of the Public Service, but especially in the Railway Department. By the rearrangement and reduction of the staff great annual savings have been made in the Departments concerned, but the result has been to transfer from Consolidated Revenue to the Superannuation Fund so heavy a charge as, in the opinion of the Actuary, to seriously jeopardise its solvency. Appendices VII and VIII contain a list of persons whose services have been so dispensed with under section 46, showing the annual saving to the Departments and the annual charge on the Superannuation Account.

8. The Board, in their previous Reports, have pointed out the necessity for certain amendments of the Act, and this necessity has become more apparent during the past year, certain appointments having been made without reference to the Board, which they are of opinion should, under the terms of section 27, have been referred to them by the Heads of the Departments in which the vacancies occurred. It was clearly the intention of the Legislature that in all cases of vacancies the rights

rights of officers should be fully considered by the Board, and reported upon to the Minister, before any recommendation could be made by him to the Governor-in-Council.

Section 27 prescribes the course of procedure to be adopted:—

- 1st. When a vacancy occurs the superior officer of the Department in which such vacancy occurs shall transmit to the Board, through the Head of the Department, a report in writing, and may recommend * * * * *
- 2nd. The Head of the Department may in like manner make a report and recommendation.
- 3rd. The Board shall report to the Minister; and
- 4th. The Governor may, on the recommendation of the Minister, promote the officer thus reported,

The exercise of the Board's functions is based on the report received from the Head of the Department, but in the cases referred to it has been contended (as the Board think improperly) that it is quite at the discretion of the Head of a Department to make or withhold the report. A slight verbal alteration would remove any misconception as to the duty of the Heads of Departments under this section.

9. Other amendments of the Act are also necessary to define more clearly the right of officers to appeal to the Board in certain cases in which they may consider that their claims have not had full consideration from their superior officers. The Superannuation clauses of the Act require alteration, especially the 51st section, dealing with the claims of widows to gratuities, which should be made general, and not limited, as now, to those in "necessitous circumstances," a provision which imposes on the Board the invidious duty of deciding, in each case submitted, whether the applicant is or is not in such circumstances as to warrant a recommendation in her favor.

10. We are of opinion, although the Act requires amendment, as above stated, its provisions have tended in a marked degree towards an improved administration of the public Departments, to good discipline, and to a more efficient performance of duty on the part of the officers, as the enforcement of a higher standard of educational attainments in regard to candidates for employment has checked the admission to the Service of unqualified persons. In the reorganization of the Departments, which has been carried on during the five years the Act has been in force, special attention has also been given to this matter, and it is evident that very satisfactory results have been secured under an admittedly defective Act.

11. By the retirement, under the Superannuation clauses of the Act, of the old and infirm, vacancies have occurred which have enabled the junior officers to obtain merited promotion, and the certainty that their claims would have fair consideration by the Board has, to a large extent, removed the discontent which previously existed in some Departments.

SUPERANNUATION ACCOUNT.

12. The balance at the credit of the Civil Service Superannuation Account, a statement of which is submitted herewith, in accordance with the 62nd section of the Act, was, on 31st December, 1888, £299,597 2s. 3d. This was augmented during last year by receipts to the amount of £128,979 12s. 7d., making the total £428,576 14s. 10d. The disbursements during the year were £59,697 19s. 3d., thus leaving a balance to the credit of the Superannuation Account on 31st December, 1889, of £368,878 15s. 7d., showing an increase during the year of £69,281 13s. 4d.

13. The 54th section of the Civil Service Act, 1884, provides for a triennial investigation into the state and sufficiency of the Superannuation Account. This duty was intrusted to Mr. Richard Teece, Secretary of the Australian Mutual Provident Society, who furnished an elaborate report upon the subject, seriously impugning the solvency of the Fund. In the Appendix will be found a copy of this report, dated 29th October, 1889, and a letter by the Board, forwarded with the report to the Colonial Secretary on the 30th December last, suggesting among other things the propriety of the Government continuing to subsidise the Fund, so as to enable it to bear the undue strain to which it has been subjected by the forced retirement of so many persons who were not eligible for retirement, either by reason of age or mental or physical infirmity, many of them being in the prime of life, and some even under 31 years of age.

14. The number of officers who have retired on pensions since the Act came into operation on the 1st January, 1885, to 31st December, 1889, is 365, and the amount to which they are entitled is £49,402 7s. 3d. per annum, and during the same period gratuities amounting to £60,054 8s. 8d. have been granted to 405 recipients. This comprises the following items:—

To persons whose services have been dispensed with for purposes of retrenchment—

	£	s.	d.
For 130 pensioners	24,585	0	11
198 gratuitants	30,159	10	0

Retirements under sixty years of age, consequent on ill-health—

	£	s.	d.
For 88 pensioners	9,480	5	5
61 gratuitants	10,468	15	0
Gratuities to 108 widows	13,000	2	7

Officers who have retired voluntarily, being over sixty years of age—

	£	s.	d.
147 pensioners... ..	15,337	0	11
31 gratuitants	4,551	7	4

Officers who have received injury while in the execution of their duty—

	£	s.	d.
7 gratuitants	1,874	13	9

15. Twenty-five pensioners have died since 1st January, 1885, reducing the amount to be paid by £2,725 14s. per annum.

THOMAS LITTLEJOHN,
Chairman.
CRITCHETT WALKER.
ALEXANDER OLIVER.
JOHN RAE.
GEOFFREY EAGAR.

Sydney, 20 May, 1890.

APPENDIX.

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APPENDIX I.

Richard Teece, F.I.A., to The Chairman and Directors of the Civil Service Board.

Gentlemen,

I have the honor herewith to submit my report on the valuation of the assets and liabilities of the Civil Service Superannuation Fund as at 31st December, 1887.

As this is the first occasion on which the fund has been valued, it may not be out of place, as well with a view to a proper understanding of the principles on which it has been established, as to the assistance of those who may in the future be entrusted with the work of valuation, if I prefix a few remarks of an explanatory character.

The fund is constituted under the "Civil Service Act, 1884," which came into force 1st January, 1885. Under this Act all Civil Servants, with an exception hereafter referred to, are required to pay an annual contribution of 4 per cent. of their salaries towards the maintenance of the fund, which has been further subsidized by the Government by the payment of an annual endowment of £20,000 for five years. Retirement is permitted to any Civil Servant who has served for fifteen years or upwards, and who has reached the age of sixty years, or who has become incapacitated for the performance of his duty. Retirement is not compulsory at age sixty.

The rates of superannuation allowance are :—

For 15 years of service, $\frac{1}{6}$ of the average annual salary for the 3 years preceding date of retirement.
 " 16 $\frac{1}{6}$
 and so on, increasing $\frac{1}{6}$ for each year of service up to 40, at which the maximum allowance of $\frac{2}{3}$ or $\frac{2}{3}$ of such average salary is reached. The maximum salary in respect of which contributions may be levied or superannuation allowances computed is £1,000 in the General Division and £1,200 in the Professional Division.

Those who are excepted from the operations of the Act are described in sections 7 and 8, which read as follows :—

Commissioner's Rules and Regulations for Railway Service to be continued.

- Nothing herein contained shall interfere with the rules and regulations made by the Commissioner for Railways as to the mode of admission, examination, promotion, classification, and salaries under which persons employed in the Railway Service are engaged and agree to serve, or with such rules and regulations of a similar kind with regard to any other Department except as hereinafter provided in Parts V and VI.

Increase to Salaries of Messengers, &c.

- In the case of messengers, housekeepers, letter-carriers, stampers or sorters, bailiffs, warders, matrons, nurses, attendants, boatmen, storemen, and persons employed in the Printing and Telegraph Offices, Dredge and Marine Services, and other persons occupying positions of similar class, character, or importance, who are in the receipt of annual salaries, and not of daily or monthly wages, or paid by piece-work, the Governor may order an increase of any salary in any year not exceeding ten pounds. But all such increases shall be specified in the annual Estimates.

By section 57 of the Act, however, these may elect to contribute, and thus become entitled to the benefits of the fund.

The *beneficiaries* under the Act may be divided into three classes :—

- Those who are entitled under Schedule B of the Constitution Act to claim a pension from the annual appropriation of £3,500 provided therein for the purpose, but who elect to abandon their claim thereunder and to contribute to the Superannuation Fund. I am informed that this annual appropriation of £3,500 is now wholly absorbed by existing pensioners, and that with a few exceptions, which may be disregarded, all others who would be entitled to a pension from such appropriation have elected to come under the provisions of the Civil Service Act.
- The exceptions mentioned in sections 7 and 8 of the Act and who may elect to come under the provisions of the Act.
- All other permanent officers of the Government.

In addition to the pension benefits, provision is made for the payment of gratuities in the cases of such as have not served for fifteen years, as follows :—

- Those whose services may be dispensed with (except for misconduct), or who, owing to mental or bodily infirmity, may be compelled to retire, one month's pay for each year of service.
- Those who, in the discharge of their duties, receive such bodily injury as may incapacitate them for further service, two months' pay for each year of service, with a minimum allowance of six months' salary.
- The widow or children under 16 years of age who may be left by the death of an officer in necessitous circumstances, a maximum allowance of six months' salary.

The whole amount at the credit of the fund is in the keeping of the Government, and is credited with interest at the rate of 4 per cent. per annum, payable half-yearly.

It will be in the recollection of the Board that at an interview which was accorded me I suggested that the valuation should be made as at 31st December, 1888. My reasons for this were: (1) that as the 31st December, 1887, was so far distant from the date at which the results of the valuation would be made known those results would have lost much of their significance, and (2) that the rates at which retirement had taken place had fluctuated so remarkably that a valuation as at 31st December, 1887, might not afford a very accurate representation of the condition of the fund at the present time. The Board, however, was of opinion that section 54 of the Act required that the valuation should be made as at 31st December, 1887, and was consequently unable to adopt my suggestion. My investigation, however, disclosed a condition of affairs which I felt would be unexpected by the Board, and I consequently decided to make the valuation, as far as the pensions actually entered on were concerned, as at the end of both 1887 and 1888. The comparison which the result thus obtained will afford will, I feel sure, be interesting to the Board.

The progress of the fund has been fully disclosed in the three annual reports which have been issued by the Board. The Consolidated Revenue Account exhibited in Appendix A will show at a glance the operations of the fund during the period under review.

The

The numbers retiring and the amounts of the pensions entered on will be seen from the following abstract:—

	No.	Annual Pensions.	
		£	s. d.
1885—Retirements	19	1,555	0 5
1886— „	43	3,633	4 3
	62	5,188	4 8
1886—Deaths	3	180	6 0
	59	5,057	18 8
1887—Retirements	120	16,538	14 11
	179	21,596	13 7
1887—Deaths	5	575	16 0
Existing 31 December, 1887	174	21,020	17 7

These figures will be found to differ somewhat from those given in the annual reports of the Board in which appear to be included only those retirements in respect of which some payment had actually been made. I have included all pensions entered on, although in some cases no payment had yet been made at 31 December, 1887.

The remarkable increase for the year 1887 requires a word of explanation. During that year the Government, in pursuance of a policy of retrenchment, dismissed a number of officers from the Public Service. Some of these were rewarded with gratuities which were paid by the Government, but 25 were allotted retiring allowances aggregating a sum of £4,282 1s. per annum, which were made a charge upon the fund. This proceeding will be dealt with later on in this report, and is only alluded to now in order to explain in some degree the abnormal increase in the retirements shown above.

My duty to the Board would have been fully discharged had I contented myself with a mere valuation of the liabilities, and the presentation of a Balance-sheet exhibiting the surplus or deficiency in the Fund. During the progress of my investigation, however, several letters from correspondents interested in the matter have appeared in the press urging a reduction in the rate of contributions deducted from the salaries of Civil Servants, while the editorial remarks of the city journals on the reports of the Board indicate that there is a prevailing opinion that the Fund is in a highly satisfactory condition. In view of these circumstances I feel that this report will cause a somewhat rude awakening, and I therefore deem it advisable to submit to the Board explanations on various points which will, I hope, enable its true meaning to be intelligently appreciated.

The Valuation.

The valuation of the liabilities of a Fund of this character is an exceedingly perplexing operation, (1) from the want of proper data on which to base the calculations, and (2) from the uncertainty of a number of the factors involved.

1. Not only are tables of the rates of retirement in various services exceedingly scarce, but such as are available disclose the fact that the experience among one body of men cannot be safely assumed as that which will obtain among another body differently circumstanced. The only safe experience for the determination of this element is that of the Civil Service itself, and of course the Board has not had time to collect and tabulate this, even if the necessary information be accessible. I think, however, that an effort should be made to obtain it.
2. In this particular Fund there are several questions involved which are not susceptible of calculation. Under the original Act the annual increases of salary were fixed according to certain classes, and it was consequently possible to fix the average retiring allowance after various periods of service. This provision was, however, subsequently repealed, and the increases are not now subject to any law. It would be mere affectation to attempt to fix these increases in the future on any assumption of my own, and I have consequently made my calculations entirely independent of them, taking the salaries as at 1st January, 1888 (with a few exceptions) as the basis of the retiring allowances. The effect of this is to underestimate the liability, because it is quite certain that increases will take place. As a set-off against this, I have assumed that all officers who serve for fifteen years, and who are now under sixty years of age, will exercise the option of retiring on attaining age sixty; this has the effect of over-estimating the liability, but not, I imagine, to a sufficient extent to counterbalance the underestimate just referred to.
3. Certain persons referred to under section 7 of the Act have the option of joining the Fund. It is probable that this option will only be availed of by those who expect to speedily derive some tangible benefit, and their selection will always be exercised against the Fund. The option is a dangerous one, and should not, I think, be permitted to continue; its value cannot be estimated, and I have included in my valuation only such as have actually joined the Fund.
4. Under the Act the widows and families of such as die in necessitous circumstances are entitled to certain gratuities. This again is an element of uncertainty, and is not susceptible of calculation; such a provision is out of place in a Superannuation Fund, and I have omitted it from consideration.

Special reference should be made to the case of female teachers under the Department of Public Instruction. It is certain that these will quit the service in much larger numbers than male officers in any department, and as they leave their contributions behind them their defection is a distinct advantage to the Fund. The unique position of these female teachers, in connection with the Fund, deserves to be specially noted. I have obtained information regarding the rate of secession ruling during several years, and have constructed a special table, by the aid of which I have made an entirely independent and separate valuation of the liability under their contracts. This has largely increased the labour of valuation, but I felt that justice demanded that these teachers should receive special treatment, and I shall indicate later on in what direction I think such treatment should tend. For the principal portions of the calculations I have used the English Life Table, No. 3; for the estimation of the liability in connection with the payment of gratuities, to such as retire before completing fifteen years of service, I have adapted tables showing the experience in this matter of a numerous body of persons in these colonies. The rate of interest is fixed by the Act at 4 per cent.

These

These explanations will show the Board that I do not pretend to have produced rigidly accurate results, but I believe the results are sufficiently accurate for all practical purposes at this stage of the Fund's existence, and there can be no doubt that they correctly indicate the direction in which the Fund is tending.

The liabilities to be valued are as follows :—

1. Pensions of £3,398 11s. 1d. per annum, secured under Schedule B of the Constitution Act, and payable from the annual grant of £3,500, provided by that Act. Under section 53 of the Civil Service Act, this annual grant enures to the benefit of the Fund after these liabilities have been discharged, it is consequently a valuable asset.
2. Pensions amounting to £21,020 17s. 7d. per annum, which have become payable to 174 officers who have retired since the Act came into operation. As I have above remarked, these figures do not agree with those given in the report of the Board, and include all pensions which had been entered on at 31st December, 1887. It is proper to include these in the valuation.
3. Prospective pensions to 8,465 officers (including 1,631 female teachers), in the service at the date of the valuation, together with gratuities to such as may not become entitled to pensions.

The assets to meet these liabilities comprise :—

1. The perpetuity of £3,500 per annum provided under the Constitution Act, and continued under the Civil Service Act.
2. The annual contributions of 4 per cent. on the salaries of officers contributing at the date of the valuation.
3. The present value of 4 per cent. per annum from date of entry to 31st December, 1884, on all salaries paid to officers in the service. The fund is entitled to claim this as an asset for the reason that under section 55 of the Act the pension to which a retiring officer becomes entitled is subject to reduction by such an annuity as the sum represented by 4 per cent. of the total salary paid to him up to 31st December, 1884, will purchase. The valuation of this asset is a very troublesome matter. It will only come into the possession of the fund in larger or smaller amounts during the next thirty or forty years, and I am unable to ascertain, from the records of the Board, what the total amount is. It is estimated by the Secretary to the Board at £750,000. I have made an estimate on an independent basis, and arrive at £461,516, as the amount about which the deductions represent at the present time. Having fixed the amount of these deductions at £461,516, I have made a careful calculation of the proportion which will probably fall into possession each year, and have taken the present value of all these sums as the worth of the asset at 31st December, 1887. There is necessarily some uncertainty about the accuracy of this item, and I recommend the Board to ascertain the total amount of these deductions before the next valuation of the fund falls to be made.
4. The two payments of £20,000 each, yet to be made by the Government.
5. The sum of £235,436 11s. 8d., being the amount at credit of the fund at 31st December, 1887.

The valuation balance sheet shown in Appendix B exhibits the condition of the fund at 31st December, 1887.

It will be convenient at this stage to compare the liabilities in respect of pensions actually entered on at 31st December 1887 and 1888 with the amounts at credit of the fund at these respective dates :—

At December 31st, 1887, the balance at credit of the fund was ...	£235,436 11 8
The liability under pensions actually entered on was	215,774 4 0*
Difference	<u>£19,662 7 8</u>
At 31st December, 1888, the balance had increased to	£299,597 2 3
The liability under pensions entered on was	290,315 8 0*
Difference	<u>£9,281 14 3</u>

These figures will give some indication of the rapidity with which the claims on the fund are accumulating. They show that notwithstanding the receipt of the £20,000 subsidy from the Government, the fund had gone to the bad to the extent of £10,380 13s. 5d. in respect of pensions entered on in one year. The figures further show that the funds in hand at 31st December, 1888, were practically only sufficient to meet the payment for pensions already granted up to that date, while the enormous mass of dormant liabilities remained to be provided for by the future contributions of the officers and the residue of the annual grant of £3,500 under the Constitution Act already referred to. When it is borne in mind that the contributions of the officers up to 31st December, 1888, had been supplemented by the payment of £80,000 out of the Consolidated Revenue, and that only one further payment of £20,000 from that source then remained to be paid, it will be at once evident to any actuary, if not to any business man, that the fund must be in an insolvent condition, although opinions may differ regarding the amount of the deficiency. Whatever uncertainty may exist regarding the proper method of valuing the liabilities attaching to pensions not yet entered on, there can be no doubt regarding the liability in respect of those already being enjoyed, and the figures I have quoted conclusively establish the fact that the fund is in an insolvent condition.

Causes of the Deficiency.

So many causes have contributed to the condition of the fund disclosed by this investigation that it would extend this report to an inordinate length if I were to deal fully with them all. In order, however, to enable the Board to intelligently appreciate the situation and to impress them with some confidence in the general accuracy of the results shown above it is absolutely necessary that I should refer to a few of them, and I shall endeavour to do so, as far as is practicable, without having recourse to any technical language.

1. The inadequacy of the contribution of 4 per cent. per annum to provide the promised benefits.

To .

* Excluding pensions under Schedule B.

To determine exactly what rate of contribution is necessary to provide pensions on the scale laid down in the Act is extremely difficult—(1) from the absence of sufficiently reliable data on which to base the calculations, and (2) owing to the uncertainty regarding the rates of increase to the salaries of the contributors. By a series of trials, however, it is possible to arrive at results which will be sufficiently near the truth to demonstrate the inadequacy of the present rates.

Dealing first with the case in which the salary is constant throughout the whole period of service, I estimate that a minimum contribution of 4 per cent. would be sufficient only in the case of an officer entering at age 25 or under. For entrants of older ages I estimate the minimum rates necessary to provide the promised benefits to be—Age 30, 5 per cent.; age 35, 6 per cent.; age 40, 7½ per cent.

Assuming an initial salary of £100, with an increase of £50 at the end of each five years of service, I estimate the necessary minimum contributions to be—Age 20, 8 per cent.; age 25, 9 per cent.; age 30, 10 per cent.; age 35, 11 per cent.; age 40, 12 per cent.

I find that the average age at entry of all the officers (excluding female teachers) in the Service at 31st December, 1887, was just under 24 years, and I conclude that the minimum rate of contribution necessary to provide the promised benefits (on the assumption of very moderate increases of salary) to be from 6 to 7 per cent. It must be borne in mind, too, that this rate will only be sufficient when it is paid and accumulated at interest from the commencement of service.

In confirmation of my opinion that the rates of contribution are inadequate, I may cite the cases of several superannuation funds which have been overtaken by insolvency:—

- (a) The British Government.—The rates of contribution to this were 2½ per cent. on all salaries of £100 and under, and 5 per cent. on all salaries above £100. The retiring allowances were on differing scales, but may be taken as ranging from ½ per cent. after ten years' service up to ⅔ per cent. after 45 years' service. The fund was found to be insolvent, and the Civil Servants were relieved of all contributions to it in the year 1857, since which date the pensions have been borne entirely by the Government.
- (b) The London and North-Western Railway.—In this case the contributions are 5 per cent., one-half of which is paid by the company. The maximum age of entry is 25, and the retiring allowances are 25 per cent. after ten years service up to 67 per cent. after forty-five years; but these allowances are based on the average salary over the whole period of service—a system which produces very different results from those based on an average of the last three years only. This fund has been in operation for thirty-five years, and the last investigation showed that if all the beneficiaries retired at 60 years of age, the fund would be insolvent.
- (c) The Railway Clearing House.—This fund, similar in its principles to that of the London and North-Western (except that entrants over 28 years of age are required to pay an increased rate, rising as high as 10 per cent.), has only been in operation for fifteen years, and is stated to be insolvent.

2. The absence of sufficient provision for the accrued liabilities assumed by the fund at the inception of the scheme. Even if it be assumed that the contribution of 4 per cent. is sufficient to provide the promised benefits, it would still be necessary that such contribution should be paid by each officer from the date of his entry into the Service; but in this fund, while the officer is entitled to rank for a pension in respect of his full period of service, the fund has only been in receipt of his contributions since the beginning of 1885; and as I have already shown, the claimants have come on to the fund with such fatal frequency that practically the entire fund, as at 31st December, 1888, has already been absorbed. Some consciousness of this condition appears to have existed in the minds of the authors of the Act, and an attempt was made to provide against the disasters which it portended in two directions, viz.:—(1) By an annual grant of £20,000 for five years, and (2) by deducting from the pension to which each retiring officer was entitled an annuity, the present value of which was equal to the sum of the 4 per cent. contributions which would have been paid from the date of entry until 1st January, 1885, had the provisions of the Act been in operation during the whole period of service. Herein, however, was involved a fated fallacy, inasmuch as no account was taken of the accumulations of interest. If it be assumed that 4 per cent. is a sufficient deduction, it is only sufficient on the condition that it is constantly improved at 4 per cent. interest. Now in many cases the interest on the back contributions would amount to more than the contributions themselves. The following table will illustrate this. A deduction of 4 per cent., payable at the beginning of the year on a salary of £100, will amount:—

In	£	s.	d.	viz., payments,	£	s.	d.	interest,	£	s.	d.
5 years to	22	10	8		20	0	0	2	10	8	
10 "	49	18	10	"	40	0	0	"	9	18	10
15 "	83	6	0	"	60	0	0	"	23	6	0
20 "	123	17	6	"	80	0	0	"	43	17	6
25 "	173	5	0	"	100	0	0	"	73	5	0
30 "	233	6	3	"	120	0	0	"	113	6	3
35 "	306	7	10	"	140	0	0	"	166	7	10
40 "	395	6	1	"	160	0	0	"	235	6	1

As those who have already retired, as well as those who will retire for some years to come, will be entitled to pensions, subject to deductions in respect of back payments for long periods, it will be obvious that these deductions will be insufficient, even on the assumption of the adequacy of a 4 per cent. rate of contribution.

One or two illustrations of actual cases will serve to emphasize this aspect of the case.

A. J. retired in January, 1886, at the age of 60 years. His full pension was £210 9s. per annum; the 4 per cent. back contributions amounted to £336 9s., and the deduction or abatement in respect of this amount was £36 12s. per annum. Had the back contributions, however, been invested at 4 per cent. interest they would at the end of 1884 have amounted to £549 7s. 10d., the deduction corresponding to which would have been £59 15s. 3d. J. B. retired in December, 1887, also at the age of 60. His full pension was £474 11s. 8d. per annum, subject to a deduction of £61 1s. 8d. in respect of back contributions of £566 2s. 8d. Had these back contributions been invested at 4 per cent. interest they would have amounted, at the end of 1884, to £1,066 15s. 0d. the corresponding reduction in respect of which would have been £115 2s. 0d.

This

This point may be further illustrated by placing these cases in a somewhat different aspect.—

A.J.'s pension in terms of the Act (prior to deductions) is	...	...	£210	9	0
The deduction in respect of back contributions is	...	...	36	12	0
<hr/>					
Whence the portion in respect of payments made is	...	...	173	17	0
<hr/>					
Now the 4 per cent. back contributions amount to	...	...	336	9	0
The payments actually made to	...	...	12	10	8

Consequently while the pension in respect of £336 9s., and of which the fund is relieved is £36 12s., that which is imposed on the fund in respect of receipts of £12 10s. 8d. is no less than £173 17s.

J.B.'s pension in terms of the Act (prior to deduction) is	...	...	£474	11	8
The deduction in respect of back contributions is	...	...	61	1	8
<hr/>					
Whence the portion in respect of payments made is	...	...	413	10	0
<hr/>					
The back contributions amount to	...	...	566	2	8
The payments actually made to	...	...	102	0	0

Consequently while the pension in respect of £566 2s. 8d., and of which the fund is relieved, is £61 1s. 8d., that which is imposed on it in respect of receipts of £102 is £413 10s.

Of course, this demonstration is not mathematically accurate, because the pensions of those who retire are partly provided by the payments of those who die or leave the service before becoming entitled to pensions, but it is sufficiently near the truth to illustrate my argument.

The enormous dormant liability with which the fund was burdened, owing to this circumstance, was in some measure provided for by the annual grant of £20,000 for five years, but the remedy was utterly inadequate to the malady, which, of course, became further intensified by the insufficiency under any circumstances of the 4 per cent. deduction.

3. The unexpected liability in respect of pensions to officers who were neither incapacitated nor had attained the age of 60 years—

Attention has already been drawn to the abnormal number of pensioners who came on the fund in the year 1887. Twenty-five of these, drawing pensions to the amount of £4,282 1s. per annum, were placed there by the Government in order to facilitate a scheme of retrenchment. The Government appears to have imagined that by paying to the fund the amount representing the back contributions of 4 per cent. on behalf of those gentlemen it had fully provided for the extra liability which was thus imposed on the fund. I have already exposed the fallacy of this assumption; but the proceeding operated prejudicially to the fund in another direction. By making pensioners of these gentlemen in an unnatural and irregular manner the Government constituted them claimants on the fund at an earlier period than they would otherwise have become so, and deprived the fund of further contributions which would have been made to it had they remained in active service. I have not thought it necessary to compute the money value of the injury which the course pursued by the Government inflicted on the fund, but it must be a very large sum.

4. The method of computing the pensions—

The Civil Service Act provides that the scale of pensions shall be one-fourth of the average salary for the last three years of service after fifteen years, with the addition of one-sixtieth of such average for each additional year of service. The practice hitherto followed has been to compute and allow the pension for any broken portion of a year of service. I do not think the words of the Act will bear this construction; on the contrary, it appears to me that a pension can be claimed only in respect of integral years of service completed. In this connection I may add that the determination of matters such as this should be left to the Board, under the advice of its responsible officers. The present practice, under which the amounts of the pensions are determined by the Department of the Colonial Secretary, involves a divided responsibility and may tend to complications.

5. The payment of gratuities—

Under section 51 of the Act the widow or relatives of an officer who dies, not having been in receipt of a pension, who are in indigent circumstances, are entitled to a gratuity not exceeding six months' salary of such officer. This provision, as I have previously pointed out, is repugnant to the principles of a superannuation scheme, and should, in my view, find no place in the Act. It seems superfluous to add that the suggestion which is occasionally advanced that the contributions should be returned in cases where the contributors have died before entering on their pensions is one which could not be entertained.

The deficiency which has been shown to exist may be said to be somewhat alarming. I am free to admit that there are some elements of uncertainty in the calculations, and that funds of this character are very elastic; but when due allowance is made for all variations which might favourably affect the results, there must still be such a marked disparity between the assets and the liabilities as to put the question of insolvency beyond any possibility of doubt.

Sydney, 29 October, 1889.

I have, &c.,
RICHARD TEECE.

Note on the position of the Female Teachers.

In my report I have intimated that I went to some trouble to obtain information regarding the rate of secession ruling among female teachers employed in the Department of Public Instruction. With the aid of this information I constructed a special table, which I employed in the valuation of the liabilities under their pensions. This table gave negative values in all cases where the ages attained did not exceed 29 years. It was obvious therefore, that the deduction of 4 per cent. was sufficient to provide the pensions to all teachers entering below that age, and it becomes a question for consideration whether it is just to compel these teachers to make common cause with the great mass of the civil servants who are not so favourably situated. From the results of my investigation I deduce that if the female teachers now in the service were placed under a separate fund, and if this fund were endowed with £36,000, the future annual contributions of 4 per cent. would in all probability prove sufficient to provide the pensions prescribed by the Act. It is for the Board to consider whether such a course would be expedient.

29/10/89.

R. T.

APPENDIX A.

CONSOLIDATED REVENUE ACCOUNT.

1st January, 1885, to 31st December, 1887.

<i>Receipts.</i>	£ s. d.		<i>Disbursements.</i>	£ s. d.	
Deductions from salaries	195,131	11 6	Pensions under Civil Service Act... ..	12,182	12 8
Government endowment	60,000	0 0	Do do (Schedule B)	8,381	9 4
Transferred from Schedule B	10,500	0 0	Gratuities	24,338	1 8
Interest	14,810	7 3	Refunds	299	16 11
Fines	196	13 6	Balance, being fund at 31st Dec., 1887 ...	235,436	11 8
	<u>£230,638</u>	<u>12 3</u>		<u>£280,638</u>	<u>12 3</u>

APPENDIX B.

VALUATION BALANCE SHEET, CIVIL SERVICE SUPERANNUATION FUND, as at 31st December, 1887.

<i>Dr.</i>	£ s. d.		<i>Cr.</i>	£ s. d.	
To Present value of £3,398 11s. 1d., being Pensions payable to claimants under Schedule B of the Constitution Act	22,717	6 0	By Amount of Civil Service Fund at 31st December, 1887	235,436	11 8
Present value of £21,020 17s. 7d. per annum, being Pensions entered on by 174 Officers who have retired in terms of the Civil Service Act	215,774	4 0	Present value of contributions of 4 per cent. per annum on salaries of all contributors on the Fund at 31st December, 1887 :-		
Present value of Prospective Pensions to Officers in the Service and contributing to the Fund at 31st December, 1887 :-			6,834 in general body	£621,070	10 0
6,834 in general body	£2,287,029	12 0	1,631 female teachers	14,659	10 0
1,631 female teachers	59,832	16 0		635,730	0 0
Present value of gratuities to Officers who may become incapacitated before having served for 15 years	5,000	0 0	Present value of annual contribution of £3,500, provided under the Constitution Act	87,500	0 0
	<u>£2,590,353</u>	<u>18 0</u>	Present value of back contributions of 4 per cent. per annum from date of entry up to 31st December, 1884, to become available when pensions are entered on	266,750	0 0
			Present value of Government contributions	39,230	16 0
			Estimated deficiency	1,325,706	10 4
				<u>£2,590,353</u>	<u>18 0</u>

The Remedy.

In considering what steps should be taken to place the fund in a satisfactory condition, a variety of alternatives present themselves. There are three courses, one or other or all of which may be followed:—

1. The rate of contribution may be increased.
2. The rates of pensions may be reduced.
3. The Government may rescue the fund from its present unsatisfactory condition and provide for its future stability.

The questions of expediency must not be left out of consideration in dealing with this matter.

1. The contribution of 4 per cent., at present exacted from the civil servants, is a heavy deduction, and could scarcely be increased without inflicting hardship on the contributors. It must be remembered, too, that the scheme was the act of the Government, and was not, I believe, solicited nor approved by the general body of the civil servants. Furthermore, it is the practice of the British Government, and of a large number of public companies and business houses, to provide retiring allowances for their officers without requiring any contribution for that purpose.
2. The prescribed rate of pensions is on a liberal scale, and in a general scheme of reconstruction, I think it would not be unfair if the restoration of equilibrium were assisted by a reduction in the scale. It appears to me that the fairest way to do this would be to base the amount of the pensions on the average salaries over the whole period of service, instead of those of the last three years.
3. The chief remedy, however, must come from the Government.

To carry on in the present condition would not only lead to certain disaster, but the disaster would be unequally distributed among those whom it would affect. Those who are now in receipt of pensions, and those who will become entitled to them in the near future, are and will be enjoying their advantages at the expense of the younger members of the service. I have already shown that the funds in hand at 31st December, 1888, are but little more than sufficient to provide for the claims which have already matured, and it would be a positive cruelty to go on compelling contributions from the younger members of the service, when it is quite certain that when their time to retire arrives there will be no funds wherewith to liquidate their claims. At this early stage of the existence of the fund and in the absence of accurate information regarding the total amount of the back contributions of 4 per cent., it is difficult to say what further annual revenue is necessary to ensure its stability, but I am of opinion that an additional income of at least £50,000 per annum, will be required to place the fund in a position to discharge the liabilities which it has incurred. I do not think the Government should hesitate to grant this.

It would be an assistance to the scheme if the funds were placed in the hands of the Board for investment. Under the existing conditions the Government allows interest at the rate of 4 per cent. per annum on the amount at the credit of the fund. Were the moneys in the hands of the Board, safe investments could readily be obtained to yield $5\frac{1}{2}$ per cent., and thus give the fund an immediate increase in annual revenue of nearly £5,000, and this advantage would be a constantly increasing one.

Funds of this character are becoming generally recognized, not only by Governments, but by public companies and trading firms, and I do not think I can conclude this report more fitly than by quoting the remarks of the British Commissioners, who, in 1857, recommended the abolition of the contribution system in England. "It has not been without much anxious consideration that we have arrived at the conclusion that it is our duty to recommend the total abolition of deductions for the purpose of superannuation, without any corresponding reduction in the salaries on which such deductions have been charged. Our first impression in entering on the inquiry referred to was adverse to this arrangement. But on a careful review of all the difficulties of the case, we became satisfied that, with a view to public interests alone, we could recommend no other settlement of the question as likely to be permanent and satisfactory. We are aware that the present system of deductions has had high authorities in its favour, and at the time when it was introduced it may have been considered a convenient mode of carrying into effect the unpopular measure of a general reduction of salaries. Nevertheless, for the reasons which we have already stated, we believe it to be unsound in principle; and we think that its inherent defects have developed themselves in difficulties of administration, of which the effect has been to create a mass of anomalies and inconsistencies most injurious to the Public Service. In this, as in other similar cases, it may be found impracticable to escape from a vicious principle, and to establish a reasonable and uniform system without some temporary pecuniary sacrifice. But believing that there is no other satisfactory solution of the difficulty, being confident that the ultimate advantage of the public will be much more than a compensation for any possible temporary loss, and having regard to the importance of maintaining the character and efficiency of the Civil Service, we are of opinion that by the recommendation which we have made we shall best discharge the duty which has been assigned to us."

APPENDIX II.

Letter addressed by the Civil Service Board to the Honorable the Colonial Secretary upon the subject of the Superannuation Account (30 December, 1889).

Sir,

I have the honor, by direction of the Civil Service Board, to forward for your consideration a copy of the Actuarial Report upon the First Triennial Investigation into the state and sufficiency of the Superannuation Account, and to state that—

1. Before submitting our Annual Report for this year to His Excellency the Governor we think it desirable to bring under your notice, as the Minister charged with the administration of the Act, a matter seriously affecting the position of the Superannuation Account of the Civil Service. Under the 54th section of the "Civil Service Act of 1884," an actuarial examination of the fund is required. Mr. Hawkins who was originally appointed for this purpose having died in March, 1888, the services of Mr. Teece were secured, and he has sent us an elaborate report, the purport of which is that the fund was started on an improper basis, and that the question of its insolvency was from the first only one of time. He considers that a contribution by the Government of £50,000 per annum will be required to place the fund in a position to discharge the liabilities which it has incurred.

2. It appears to us that up to the 31st of December, 1886, the fund was practically sufficient for the purpose for which it was founded. The cause of the great difference between the state of the fund on that date and in December, 1888, is not far to seek. To 31st December, 1886, the claims upon the Superannuation Account were those only which arose from the retirements which had evidently been foreseen and provided for by the author of the measure, and the contributions approached so nearly to the actual requirements, that we think if the fund had been operated upon only to meet such requirements, the provision would have been found to be practically sufficient. In 1888, however, the Government entered upon a system of retrenchment of an exceptional character, and, in carrying out the same, burdened the Fund with payments which could not have been contemplated at the time the Act was passed.

3. In proof that the Board had apparently good ground for regarding the Fund as sufficient for the purpose named, it may here be stated that the amount to the credit of the Fund was, on 30th November, £339,123 16s. The receipts for the eleven months of the year have been—contributions £58,666 1s. 11d., interest about £13,750, and fines £69 14s. 6d., which, with £3,500 for Schedule B, amount to £75,985 16s. 5d., whilst the claims for pensions amount to £46,468 2s. 6d., leaving a very substantial balance to credit of the account. With these facts before us we find it difficult to believe that the Fund is in the deplorable condition reported by Mr. Teece.

4. The statement of the Actuary that the scheme was the act of the Government, and was not solicited nor approved of by the general body of the Civil Servants, appears to be correct. They evidently assumed, as they had a perfect right to do, that as the scheme had originated with the Government all necessary calculations had been made to justify its adoption.

5. It appears to us that the present doubt as to the provision for the superannuation of the officers of the Civil Service should not be allowed to continue, and that we are not exceeding our duty in suggesting a remedy for your consideration. It is assumed that the necessity for providing for the retirement of officers who are unable to continue in office with advantage to the State is admitted. The provisions for retirement heretofore made having from the causes mentioned been rendered inoperative, it would seem to be equitable that the Government should restore the Fund to its former condition, by the Government contributing annually to the Fund a sum sufficient to enable the retiring allowances under the Act to be met until the exceptional claims have ceased.

6. The rates of retirement which have existed for the last two years are exceptional; it cannot be expected that the Civil Service will ever again be allowed to drift into the condition which rendered the retrenchment recently effected a necessity; it will be therefore sufficient if the proposed assistance is continued until the Fund is in a position to meet all ordinary claims. The sum will no doubt, at first sight, be considered to be a large one, but, from a rough calculation, it appears to us that £25,000 per annum will be sufficient in lieu of the sum suggested by the Actuary; and when it is considered that the necessity for this payment is caused by a saving effected in the general expenditure of about £85,679 per annum, the amount now suggested does not appear to be excessive.

7. Although we never doubted that the scheme was the result of mature consideration, we thought it desirable to ascertain, approximately, in what way it was working, and in 1886 the Secretary made a series of calculations with this view, which apparently proved that it had been founded on a proper basis. These calculations are shown in the appended memorandum, from which it will be seen how nearly the actual result approaches the estimate.

8. By compelling their retirement Government have created a large body of pensioners whose average age is much below the limit of 60 years; at the same time it must be recognised that the retirement of many others has only been hastened by a year or two, and that inasmuch as they are now retired by the action of the Government they will not appear as fresh claimants on the account in the years when in the ordinary course of events they would have become chargeable on the Fund.

9. At present the pensions created by the forced retirement of officers amount to £21,934 6s. 11d. per annum, and future retirements of a similar character for 1890 may be set down at £10,000 more, or £30,000 in all, irrespective of those officers who are entitled to gratuities, which are paid by Government from special appropriations. The amount of these special appropriations to date is £29,241 10s. 9d.

10. The Government have also provided about £21,000 for payment of 4 per cent. abatement on the pensions of officers compulsorily retired, but this is only a very temporary advantage to the fund, as by reason of such payment the pensioners draw larger pensions; and, as Mr. Teece points out, the present payment of 4 per cent. on back salary is not the equivalent of what the amount would have been had the 4 per cent. been deducted year by year during the period of service and been fructifying by the yearly addition of interest.

11. It has also to be borne in mind that every officer thus removed from the Service represents an actual loss to the Fund as his contributions cease, and no one being appointed in his place the Fund suffers thereby, as well as by having to pay his pension. In ordinary retirements the officer next in seniority takes the vacant position, and the staff being thus maintained the salaries remain as before, and the contributions flow in to the Fund without diminution.

12. We submit below a scheme of the estimated receipts and expenditure of the Superannuation Account, drawn up on January 1st, 1886, and extending to January 1st, 1895. It was intended only as a rough approximation, but it was based on a careful review of retirements in past years, and to some extent on the ages of officers now in the Service. Allowance was made for a few forced retirements in each year, but not for sweeping reductions of the staff which have been made.

13. Tested by the experience of the years 1885 to 1889, but eliminating the pensions which have arisen under the retrenchment chiefly in the Department of Lands, Public Instruction, and Railways, the actual results are so nearly in accord with the estimates arrived at that they seem to prove that if the forced retirements had not been carried out the Fund could have borne all usual and legitimate claims upon it. The disturbing element is the £21,934 6s. 11d. per annum now paid to officers whose services have been dispensed with, and by the abolition of whose offices the Government saving is estimated at £47,179 per annum.

14. We consider the subject of this report affects not only the individual interests of the Civil Servants, but also the general efficiency of the Civil Service; and as it can only be dealt with by the direct action of the Government, we venture to request that it may have special and early attention.

I have the honor to be, Sir,

Your most obedient servant,

JOHN WILLIAMS,

Chairman.

Memo.

B.

Approximate scheme drawn up on January 1st, 1886, to show the probable working of the Superannuation Account.

SUMMARY of gratuities granted during the 7 years prior to January 1st, 1885:—

	£	s.	d.
1878	2,115	0	0
1879	2,529	0	0
1880	1,110	0	0
1881	2,872	13	4
1882	12,832	10	6
1883	35,547	1	0
1884	36,501	19	6
	7)93,508	4	11
Average of 7 years	£13,358	6	4
January 1st, 1886, actual balance...	71,605	0	7
<i>Add—</i>			
Government endowment	20,000	0	0
Do do	3,500	0	0
Interest	4,680	0	0
Contributions	50,500	0	0
	£150,285	0	7
<i>Deduct—</i>			
Say 50 gratuities	£6,485	0	0
45 pensions	2,845	0	0
Current pensions	1,066	1	5
Pensions, Schedule B	3,500	0	0
	13,896	1	5
	£136,388	19	2
January 1st, 1887—Balance	136,388	19	2
Government endowments	20,000	0	0
Do do	3,500	0	0
Contributions	60,000	0	0
Interest	7,756	0	0
	£227,644	19	2
<i>Deduct—</i>			
Pensions current	£3,911	1	5
Pensions granted in 1887	3,911	1	5
Gratuities in 1887... ..	6,485	0	0
Pensions under Schedule B	3,500	0	0
	17,807	2	10
	£209,837	16	4
January 1st, 1888—Balance	209,837	16	4
Government endowment	20,000	0	0
Do do	3,500	0	0
Contributions	60,000	0	0
Interest	10,529	0	0
	£303,866	16	4
<i>Deduct—</i>			
Pensions current	£7,822	2	10
Pensions in 1888	7,800	0	0
Gratuities	6,485	0	0
Schedule B	3,500	0	0
	25,607	2	10
	£278,259	13	6

	£	s.	d.
January 1st, 1889—Balance	278,259	13	6
Government endowment	20,000	0	0
Do do	3,500	0	0
Contributions	60,000	0	0
Interest	13,146	0	0
	<u>£374,905</u>	13	6
<i>Deduct—</i>			
Pensions current...	£15,622	2	10
Less death rate of 3 per cent.	468	2	10
	<u>£15,154</u>	0	0
Pensions, 1889	7,800	0	0
Gratuities, 1889	7,000	0	0
Schedule B	3,500	0	0
	<u>33,454</u>	0	0
	<u>£341,451</u>	13	6
January 1st, 1890—Balance	341,451	13	6
Government Subsidy, Schedule B...	3,500	0	0
Contributions	60,000	0	0
Interest	14,874	0	0
	<u>£419,825</u>	13	6
<i>Deduct—</i>			
Pensions current	£22,954	0	0
Less deaths, 3 per cent.	688	0	0
	<u>£22,266</u>	0	0
Gratuities, 1890	7,000	0	0
Pensions, 1890	7,800	0	0
Schedule B	3,500	0	0
	<u>40,566</u>	0	0
	<u>£379,259</u>	13	6
January 1st, 1891—Balance	379,259	13	6
Schedule B...	3,500	0	0
Contributions	60,000	0	0
Interest	15,186	0	0
	<u>£457,945</u>	13	6
<i>Deduct—</i>			
Pensions current...	£30,066	0	0
Less deaths, 5 per cent...	1,503	0	0
	<u>£28,563</u>	0	0
Gratuities, 1891	7,000	0	0
Pensions, 1891	7,800	0	0
Schedule B	3,500	0	0
	<u>46,863</u>	0	0
	<u>£411,082</u>	13	6
January 1st, 1892—Balance	411,082	13	6
Schedule B	3,500	0	0
Contributions	60,000	0	0
Interest	21,000	0	0
	<u>£495,582</u>	13	6
<i>Deduct—</i>			
Pensions current...	£36,363	0	0
Less deaths, 5 per cent...	1,820	0	0
	<u>£34,543</u>	0	0
Gratuities	7,000	0	0
Pensions	7,800	0	0
Schedule B	3,500	0	0
	<u>52,843</u>	0	0
	<u>£442,739</u>	13	6
January 1st, 1893—Balance	442,739	13	6
Schedule B	3,500	0	0
Contributions	60,000	0	0
Interest	22,000	0	0
	<u>£528,239</u>	13	6
Pensions current	42,343	0	0
Less 6 per cent	2,540	0	0
	<u>£39,803</u>	0	0

		£	s.	d.
<i>Deduct—</i>				
Gratuities, 1893	...	7,000	0	0
Pensions, 1893	...	7,800	0	0
Schedule B	...	3,500	0	0
		58,103 0 0		
		£470,136 13 6		
January 1st, 1894—Balance	...	470,136	13	6
Schedule B	...	3,500	0	0
Contributions	...	60,000	0	0
Interest	...	23,000	0	0
		£556,636 13 6		
<i>Deduct—</i>				
Pensions current	...	£47,600	0	0
Less deaths, 7 per cent.	...	3,332	0	0
		£44,268 0 0		
Gratuities, 1894	...	7,000	0	0
Pensions, 1894	...	7,800	0	0
Schedule B	...	3,500	0	0
		62,568 0 0		
Balance on January 1st, 1895	...	£494,063 13 6		

APPENDIX III.

RETURN of "Special Cases" where persons have been appointed without probation or examination, in terms of section 28 of the Act.

Name	Office	Reasons for Appointment
Henry, Arthur Gaddes	Junior Medical Officer, Hospital for Insane, Callan Park...	Duly qualified medical practitioner.
Gay, Herbert M	Visiting Surgeon and Dispenser, Dubbo Gaol	do do
Taylor, George Henry	Senior Medical Officer, Hospital for Insane, Parramatta	do do
Bennett, Edward	Crown Prosecutor at Quarter Session, Metropolitan and Hunter Districts.	Barrister.
Horne, Cecil G.	Superintendent of Third Bay Prison	Special military experience.
Gates, Arthur	Shorthand writer and Clerk, Justice	Qualified shorthand writer
Boyd, Wm Lister	Shorthand and typewriter, Colonial Secretary	do do

APPENDIX IV.

CIVIL SERVICE SUPERANNUATION ACCOUNT,

For the Year ending 31st December, 1889.

Dr.

Cr.

DISBURSEMENTS.	Amount.	RECEIPTS.	Amount.
	£ s. d.		£ s. d.
To Pensions under the Constitution Act	3,416 18 7	By Balance, 1st January, 1889	299,597 2 3
„ Superannuation Allowances under the Civil Service Act	34,793 3 9	„ Endowment from Consolidated Revenue Fund, being the fifth and final instalment	20,000 0 0
„ Gratuities under the Civil Service Act	21,375 10 6	„ Transfer from Consolidated Revenue Fund, provided by section 52 of the Imperial Act, 18 and 19 Vic, cap 54	3,500 0 0
„ Refund of deductions made in error	112 6 5	„ Amount of 4 per cent. deductions from the salaries of Officers and others	64,325 9 6
„ Balance in hand 31st December, 1889*	368,878 15 7	„ Transfer from Consolidated Revenue Fund to meet abatements which should have been deducted from Pensions paid to Officers whose services have been dispensed with	14,778 16 5
		„ Transfer from Consolidated Revenue Fund to pay Gratuities to Officers not entitled to Pensions, and whose services have been dispensed with	13,088 8 3
		„ Fines inflicted on Officers	75 16 7
		„ Refund on account of Gratuity in consequence of services being re-employed	1 4 0
		„ Interest on daily balances from 1st January to 30th June, 1889	6,436 6 6
		„ Interest on daily balances from 1st July to 31st December, 1889	6,759 11 4
	£ 428,576 14 10		£ 423,576 14 10
		By Balance on 1st January, 1890	£ 368,878 15 7

* £310,000 of this amount is invested in New South Wales Treasury Bills

The Treasury, New South Wales,
25th April, 1890.

JAMES PEARSON,
Accountant.
APPENDIX

APPENDIX V.

STATEMENT showing Pensions granted under the provisions of the "Civil Service Act, 1884," during the year 1889.

Name of Pensioner.	Service for which the Pension was granted.	Age.	Reason for Retirement	Pension.
				£ s. d.
Kealey, John	School Attendance Officer, Public Instruction	61	Over 60 years of age	86 12 0
Youll, Richard	Teacher, Public School, Plattsburg	63	do do	153 11 0
Corcoran, Thos. H.	do do Yatteyatiah	68	do do	69 18 0
Allen, Robert	Carpenter, Railways	61	do do	60 9 0
Darby, Richard	Station-master, Mortuary	73	do do	152 18 0
Bissett, John G., senior	do Brewangle	71	do do	96 10 0
Bonamy, George	do Ashfield	69	do do	156 12 0
Woodrow, John	Sub-Inspector, Railways	61	do do	74 9 0
Caldwell, Isabella	Matron, Armidale Gaol	69	do do	20 8 0
Newcombe, Geo. W.	Indexing Clerk, Colonial Secretary's Office	59	Abolition of office	183 15 0
Hollis, Thomas	Sub-Inspector, Railways	69	Over 60 years of age	63 5 0
Barney, G. H.	Chief Inspector of Distilleries	60	Abolition of office	412 17 0
Moriarty, E. O.	Engineer-in-Chief, Harbours and Rivers	64	Services dispensed with	791 13 0
Rae, John	Under Secretary for Public Works	75	do	543 14 0
Boag, Thomas	Locomotive Foreman, Railways	64	do	231 8 0
Scott, William	do Engineer, do	62	do	443 7 0
Godson, Richard	Chief Overseer, Parramatta Gaol	74	do	109 7 6
Wallace, Michael	Deputy Gaoler, Bathurst	67	do	110 5 0
Connell, Henry	Police Magistrate and Customs Officer, Kiama	60	Over 60 years of age	342 0 0
Eames, Robert L.	Landing Waiter, Customs	61	do do	135 1 0
South, Samuel N.	Instrument Fitter, Telegraphs	54	Ill-health	84 18 0
Simpson, George	Teacher, Public School, Bowra	60	Over 60 years of age	70 1 0
Moppett, Thomas J.	Principal Ledger-keeper, Audit Department	60	Abolition of office	230 15 0
Gilchrist, Drummond	Assistant Inspector of Accounts, Audit Department	68	Abolition of office	250 9 0
Grant, James	Shed Inspector, Railways	60	Over 60 years of age	131 17 0
DeCourcy, Thomas	Clerk, Railways	33	Services dispensed with	71 10 10
Finegan, John P.	Examiner of Accounts, Railways	35	do	153 6 4
Forbes, Alice	Matron, Bathurst Gaol	58	Ill-health	20 8 0
Molony, C. C.	Clerk, Railways	52	Services dispensed with	73 11 3
Long, Isidora C.	Teacher, Infant School, Balmain	50	Ill-health	116 14 0
Vyner, F. W.	Police Magistrate, Tumut	69	Services dispensed with	181 18 5
Sutton, George	Examiner, Locomotive Branch, Railways	67	Over 60 years of age	47 1 0
Barry, Mary Jane	Housemaid, Hospital for the Insane, Gladesville	52	Ill-health	29 0 0
Higgs, John	Traffic Manager, Great Northern Railway	59	Services dispensed with	357 7 6
Mullampy, John	Teacher, Public School, Duramana	63	Over 60 years of age	37 5 0
Müller, Wolfgang	Draftsman, Survey Office, Bourke	41	Services dispensed with	134 3 4
Dunman, John	Teacher, Public School, Aberglasslyn	59	Ill health	51 7 0
Buckley, William	Carpenter, Railways	77	Over 60 years of age	39 14 0
Haggerty, Marmaduke	Watchman, Fitzroy Dock	60	do	40 7 0
Williamson, J. W.	Trades Overseer, Parramatta Gaol	64	do	88 4 0
Seale, Michael	Chief Clerk, Audit Branch, Railways	40	Services dispensed with	174 8 0
Higgs, Edward	Inspector, Traffic Branch, do	54	do	249 1 0
Slatyer, Hampton	Clerk, Audit Branch, do	36	do	58 1 0
Howarth, Shepherd	Issuer, Stores Branch, do	70	do	67 13 4
Bourne, E. J.	Superintendent of Rolling Stock, do	66	do	192 10 0
Sirkitt, Thomas	Foreman, Stores, do	58	do	89 3 0
Bingham, George	Do carriage-shop, do	49	do	160 17 0
Smithers, A.	Clerk, Traffic Branch, do	45	do	38 19 0
Betteridge, Geo.	Do do do	41	do	42 17 0
Docksey, Wm.	Sub-Inspector, Existing Lines, do	52	do	96 16 0
Brabstone, Michael	Overseer, Stores Branch, do	51	do	78 13 0
Pickering, Jas. E.	Clerk, do	30	do	89 17 0
Fligg, Henry	Storekeeper, Newcastle, do	65	do	173 16 0
Kensett, F. J.	Clerk, Traffic Branch, do	69	do	95 17 0
Evans, Geo. T.	Superintendent of Stores, do	40	do	190 0 0
Iredale, L. P.	Record Clerk, do	45	do	151 19 0
Wascoe, John O.	Clerk, Stores, do	68	do	64 16 0
Hankin, J. C.*	Stationmaster, Newtown, do	57	Ill health	113 18 0
Hall, Thomas	Teacher, Public School, Ghinni Ghinni	63	Over 60 years of age	44 8 0
Keon, G. P.	Police Magistrate, Eden	68	Services dispensed with	378 0 0
Bussell, Francis H.†	Operator, Telegraph Department	37	Ill-health	76 13 0
Starkey, James	Shed Inspector, Railways	51	do	72 18 0
Fuller, Edgar	Public School Teacher, Calyton	64	Over 60 years of age	72 0 0
Forbes, Alexander	Gaoler, Bathurst	62	Services dispensed with	134 18 0
Irvine, Christopher	Cashier, Northern Line, Railways	49	do	94 4 0
Caldwell, Samuel	Gaoler, Armidale	77	do	131 15 0
Wood, A. P.	Assistant Engineer, Roads	46	do	267 7 0
Small, Wm.	Superintendent, Trial Bay Prison	65	do	284 15 0
Lynch, Annie	Mistress, Infant School, Wagga Wagga	32	Ill-health	60 10 0
Forsyth, F. W. G.	Schoolmaster, Sydney Gaol	61	Services dispensed with	88 0 0
Read, Sir John C., Bart.	Governor, Sydney Gaol	68	Services dispensed with	372 4 5
Forbes, A. Leith	Examiner, Public Instruction	66	Abolition of office	590 0 0
Clarke, Hannah	Nurse in charge, Hospital for the Insane, Parramatta	66	Over 60 years of age	35 14 0
Rothe, Anna M.	Teacher, Public School, Burrundulla	51	Ill-health	45 18 0
Vaughan Patrick	Senior Attendant, Hospital for the Insane, Parramatta	48	Do	52 16 0
Gardiner John	Chief Examiner, Public Instruction	65	Abolition of office	471 17 0
Henerie, Patience	Sewing Mistress, Public School, Glebe	42	Ill health	21 13 0
Moxham, Wm.	Senior Warder, Parramatta Gaol	52	Do	73 7 0
Schrader, John F.	Messenger, Court-house, Newcastle	79	Over 60 years of age	21 5 0
Kelly, Thomas	Do Head Office, Railways	75	Do do	40 13 0
Cook, Peter	Watchman, Traffic Branch, Railways	70	Do do	22 3 0
Scott James	Driver, Railways	64	Do do	50 3 0
Hannell, Jesse	Superintendent Nobby's Light-house, Newcastle	70	Do do	117 17 0
			Carried forward	11,997 16 11

* Deceased, 26th June, 1889.

† Deceased, 25th April, 1889.

APPENDIX V—continued.

Name of Pensioner.	Service for which the Pension was granted.	Age.	Reason for Retirement	Pension.
				£ s. d.
			Brought forward ...	11,997 16 11
Bewes, Joseph	Foreman, Railways	69	Over 60 years of age...	71 8 0
Costley, Chas.	Warder, Gaol, Yass	58	Ill-health	45 8 0
Slattery, James	do Sydney Gaol	57	do	45 3 0
Benrett, W. C.*	Commissioner and Engineer-in-Chief for Roads	65	Over 60 years of age...	675 0 0
Cox, F. W.	Station-master, Armidale	54	Ill-health	138 16 0
Duff, John	Chief Compiler, Government Statistician's Office	55	Abolition of office	225 17 0
Davidson, F. B.	Assistant C.P.S. Water Police Office	65	Services dispensed with	188 5 0
Williams, Walter	Gate-keeper, Darling Harbour, Railways	78	do do	40 10 0
Chapman, Wm.	Warder, Sydney Gaol	55	Ill-health	48 2 0
Hinton, Alfred	Clerk and Accountant, Marine Board	77	Services dispensed with	165 3 0
Luterick, Nicholas	Coxswain, Marine Board	48	do do	71 16 0
Berney, Augustus	Landing Surveyor, Customs	57	do do	360 4 0
Brown, Wm. Jas.	Sub-collector of Customs, Grafton	64	do do	135 8 0
Coleman, Jas.	Coxswain, Customs, Newcastle	59	do do	79 0 0
Fay, Michael	Locker, Customs	65	do do	86 7 0
Ikin, Henry	do do	72	do do	154 0 0
O'Donnell, John	do do	56	do do	110 8 0
Ormsby, Arthur J.	Landing-waiter, Customs	62	do do	303 7 0
Passmore, W. R. T.	do do	64	do do	255 0 0
Rucker, H. J.	Clerk, Customs	68	do do	293 7 0
Small, Robert	Cashier, do	62	do do	257 9 0
O'Donnell, Geo.	Chief Clerk, Government Stores	43	Abolition of office...	91 13 0
Meares, William D.	Police Magistrate, Mudgee	66	Over 60 years of age..	364 11 0
Purton, Henry	Inspector, Permanent Way, Railways	57	Services dispensed with	185 5 0
Deitz, William	Foreman, Railways	59	do do	90 6 0
Murdoch, George	do do	69	do do	100 6 0
Moodie, Andrew	Station-master, Marulan	63	do do	147 13 0
Scotland, David†	do Windsor	63	do do	112 18 0
Thompson, John R.	Inspector of Station Accounts, Railways	44	do do	105 7 0
Board, Gregory	Bookkeeper, Telegraphs	48	Ill-health	102 19 0
Cane, Frederic	Superintendent, Hospitals for Insane, Newcastle	70	Services dispensed with	127 7 0
Ralph, John	Attendant do do do	53	Ill-health	26 7 0
Vernon, Donald	Secretary for Railways	50	Services dispensed with	392 15 0
Moriarty, M. H.	Assistant Engineer, Harbours and Rivers	46	do do	322 6 0
Brackenreg, Caroline	Assist. Matron, Industrial School for Girls, Parramatta	60	Over 60 years of age..	30 12 0
Cane, Elizabeth	Matron, Hospital for Insane, Newcastle	61	Services dispensed with	30 12 0
Clarke, James	Messenger, Public Works	72	do do	49 0 0
McCormick, John	Cook, Hospital for Insane, Newcastle	67	Over 60 years of age..	33 7 0
Roberts, H.	Gate-keeper, Bathurst, Railways	64	Services dispensed with	68 10 0
Jackson, Robert	Labourer, Ordnance Stores	64	Over 60 years of age.	34 0 0
Meldrum, J. B.	Road Superintendent, Roads	69	Services dispensed with	193 14 0
Waring, T. W.	Clerk, Roads	64	do do	49 2 0
Laman, Thomas	C.P.S., Stroud	83	Over 60 years of age...	65 11 0
Burns, James	Stationmaster, Muswellbrook	62	do do	163 4 0
Marsh, Jas. M.	Stipendiary Magistrate, Water Police Court	60	do do	422 17 0
Jager, Joseph	Inspector, Glebe Island Abattoirs	76	Services dispensed with	100 10 0
Woode, George	Foreman Blacksmith, Tramways	59	do do	59 9 0
Read, W. V.	Traffic Manager, Railways	59	do do	546 10 0
Higgs, James	Stationmaster, Granville	57	do do	208 18 0
Dowling, Edward	Assistant Superintendent, Technical Education	46	do do	307 17 0
Graham, James	Signal Master, South Head	70	do do	177 11 0
Drewett, J. W.	Assistant Engineer, Railways	69	do do	418 15 0
Bayley, G. W. A.	Draftsman, Railways	64	do do	174 8 0
Macdiarmid, R. N.	Clerk, Biloela Gaol	38	Medical Board	69 17 0
Total				21,151 11 11

* Deceased, 29th September, 1889. † Deceased, 5th January, 1890.

APPENDIX VI.

STATEMENT showing Gratuities granted to Widows and others under the provisions of the "Civil Service Act, 1884," during the year 1889.

Name of Recipient.	Service for which Gratuity was granted.	Remarks.	Gratuity.
			£ s. d.
Chettle, S. W.	Clerk, Colonial Secretary's Office	Services dispensed with	74 17 0
Thurlow, E. A. W.	do do	do	84 7 6
Payten, Helen A.	Widow of W. H. Payten, Lands Agent, Dubbo	Widow	175 0 0
Quinn, J. J.	Draftsman, Lands	Services dispensed with	381 11 0
Kelly, C. B.	do do	do	223 16 9
Porter, William	Ganger, Railways	Over 60 years of age	142 17 0
Barr, Mary	Widow of R. J. Barr, Post and Telegraph Master, Mungindi.	Widow	95 10 0
Shiell, Agnes	Widow of Henry Shiell, City Coroner	do	325 0 0
Stewart, Edward	Warder, Wentworth Gaol	Over 60 years of age	142 0 0
Meredith, Meredith	Clerk, Forest Branch, Lands	Services dispensed with	136 13 4
Albrecht, Sarah	Widow of John Albrecht, pilot Boatman, Marine Board.	Widow	63 0 0
Applewhaite Clara	Assistant Sub-Matron, Newington Asylum	Services dispensed with	13 6 8
Martin, Reseigh	Clerk, Railways	do	89 11 8
Lyons, R. L.	do do	do	124 0 6
Wall, W. N. B.	do do	do	172 4 5
Lane, N. O.	do do	do	231 19 5
Carried forward			2,480 15 3

APPENDIX VI—continued.

Name of Recipient.	Service for which Gratuity was granted.	Remarks.	Gratuity.
			£ s. d.
		Brought forward ..	2,490 15 3
Hellyer, A.	Clerk, Railways ..	Services dispensed with ..	105 12 6
Rowley, P. A.	do do ..	do ..	162 5 10
M'Shane, J. J.	do do ..	do ..	78 7 4
Kelleher P. W.	do do ..	do ..	55 9 9
Kelly, R. A.	do do ..	do ..	45 16 8
Bennett, C. C.	do do ..	do ..	78 2 6
Colls, C. R.	do do ..	do ..	61 7 9
Smithyman, A.	do do ..	do ..	32 1 8
Garrett, S. S.	do do ..	do ..	32 10 0
M'Donald, C. F.	do do ..	do ..	105 8 4
Austin, R. H.	do do ..	do ..	100 0 0
Rutherford, J. B.	do do ..	do ..	82 4 5
Stoddart, W.	Cadet do ..	do ..	70 8 4
Moore, W. G.	do do ..	do ..	31 7 6
Doyle, J. A.	do do ..	do ..	49 13 0
Thompson, J. B.	do do ..	do ..	26 5 0
Newman, E. J.	do do ..	do ..	26 17 6
Hunt, P.	do do ..	do ..	22 17 0
Fulton, E.	Clerk do ..	do ..	16 5 0
Daniel, A. A.	do Lands ..	do ..	28 5 0
Chancellor, Sydney ..	do do ..	do ..	105 0 0
Harvie, Thos. M. T.	Teacher, Public School, Uralla ..	Over 60 years of age ..	106 6 9
Primrose, A. F.	Clerk, Railways ..	Services dispensed with ..	241 1 3
Pedro, Annie ..	Widow of Joseph Pedro, Assistant Lightkeeper, Montague Island.	Widow ..	67 0 0
Scott, Esther ..	Widow of Scott, Boatman, Twofold Bay ..	do ..	59 0 0
Watt, Christina R.	Widow of Thomas Watt, Public School Teacher, Ballengalla.	do ..	77 0 0
Jones, Elizabeth ..	Widow of J. E. Jones, Labourer, Railways ..	do ..	58 10 0
Keating, John ..	Operator, Murrurundi ..	Ill health ..	51 18 10
Williams, J. H.	Clerk, Clerk of the Peace ..	Services dispensed with ..	241 7 9
Spink, Chas.	Teacher, Public Instruction ..	Over 60 years of age ..	33 1 0
Bennett, William ..	do Morelinger ..	do ..	105 12 6
Ryan, John P.	Clerk, Railways ..	Services dispensed with ..	24 15 10
Williams, P. G.	do do ..	do ..	62 5 10
Doyle, Peter ..	do do ..	do ..	15 16 0
Hennessey, W. B.	do do ..	do ..	88 17 9
Coker, W.	do do ..	do ..	119 8 11
Rowley, F. H.	do do ..	do ..	81 11 3
Cane, F. C.	do do ..	do ..	194 1 11
Chapman Wm.	do do ..	do ..	202 7 3
Graham, Chas.	do do ..	do ..	71 17 6
Tyndall, H. D.	do do ..	do ..	95 0 0
Lyne, W. J.	do do ..	do ..	28 9 5
Higgins Thomas ..	Storekeeper, Railways ..	do ..	142 3 9
Pollock, W. A.	Clerk do ..	do ..	78 15 0
Gardiner, T. J.	do do ..	do ..	110 0 0
Leggatt, Alfred ..	Architect do ..	do ..	3 9 11 8
Hunder, A. G.	Draftsman do ..	do ..	105 0 0
Higgs, W. H.	do do ..	do ..	252 7 2
Pitt, G. H.	do do ..	do ..	169 8 11
Conyers, S. W.	Cadet do ..	do ..	39 18 7
Robinson, J. A.	Clerk do ..	do ..	58 6 8
Moore, F. C.	Custodian of Plans, Railways ..	do ..	29 3 4
Garforth, James ..	Draftsman, Railways ..	do ..	52 7 3
Palfreyman, John ..	Timekeeper, Railways ..	do ..	282 12 9
Miles, Albert ..	Clerk, Railways ..	do ..	32 1 8
Eckford, Peter ..	do do ..	do ..	143 10 10
Kennedy, J. M.	do do ..	do ..	38 3 11
Mailer, A.	do do ..	do ..	100 16 8
Triglove, Amos ..	do do ..	do ..	62 4 5
Dingavan, Wm.	do do ..	do ..	125 8 4
Mann, Samuel ..	Draftsman, Railways ..	do ..	101 10 7
Fry, Henry ..	Clerk, Railways ..	do ..	42 3 9
Ford, T. S.	do do ..	do ..	103 6 8
Carter, E. W.	do do ..	do ..	168 1 1
Sothorn, George ..	do do ..	do ..	162 18 4
Falconer, M'Vey N.	do do ..	do ..	314 3 4
Wisdom, W. S.	do do ..	do ..	249 0 6
Mulholland, C. M.	do do ..	do ..	200 2 9
Colls, Alfred T.	do do ..	do ..	143 12 3
Husk, A. J.	do do ..	do ..	146 6 5
Nowill, L.	Draftsman, Railways ..	do ..	80 5 7
Ternen, George ..	Clerk, Railways ..	do ..	214 11 0
Cameron, Neil ..	Loading Porter, Railways ..	do ..	159 6 1
Chapman, W. F.	Clerk, Railways ..	do ..	186 5 8
Kilgour, R. G.	do do ..	do ..	72 11 5
Muddle, John ..	do do ..	do ..	269 5 5
Alliband, Jane ..	Widow of S. H. Alliband, Station-master, Gunning ..	Widow ..	52 10 0
Newlands, Mary ..	Widow of John Newlands, Boiler Inspector, Railways.	do ..	127 10 0
Moore, Sarah M.	Teacher, Public School, Rose Vale ..	Ill-health ..	130 5 6
Brydon, John ..	Fireman, Harbours and Rivers ..	do ..	118 5 0
Spence, Robt. A.	Messenger, Railways ..	Services dispensed with ..	27 1 8
Mahony, Catherine ..	Widow of T. Mahony, Labourer, Ordnance and Barrack Department.	Widow ..	77 10 0
Logan, F. C.	Clerk, Roads ..	Medical Board ..	208 2 6
		Carried forward ..	11,634 1 6

APPENDIX VI—continued.

Name of Recipient.	Service for which Gratuity was granted.	Remarks.	Gratuity.		
			£	s.	d.
		Brought forward.....	11,654	1	6
Hinchcliffe, T. C.	Secretary and Paymaster to the Casual Labour Board.	Services dispensed with	401	0	10
De Boos, Charles . . .	Mining Warden, Milparinka	Over 60 years of age	666	10	0
Clarke, John J. . . .	Teacher P. S., Rylestone	Ill-health	317	14	5
Higgins, Edward . . .	Inspector Conditional Purchases, Muswellbrook... .	do	284	7	6
Crommelin, Margaret . .	Widow of T. H. Crommelin, School Attendance Officer.	Widow	110	0	0
Congdon Jas. F. . . .	Teacher P. S., Forest Hill	Ill-health	118	4	6
Reilly, Peter	Warder, Sydney Gaol	do	114	11	6
Graham, W. E. . . .	Teacher, Public School, Cedar Party Creek	do	121	0	0
Jones, Louisa	Widow of J. W. Jones, Stamper and Sorter, G.P.O.	Widow	80	0	0
Murray, Angus	Master, Tug "Rhea"	Ill-health	218	3	4
Hallahan, Catherine A.....	Widow of J. J. Hallahan, Teacher, P. S., Werris Creek.	Widow	90	0	0
Brophy, Catherine M. . .	Widow of Thomas Brophy, Teacher, P. S., Mung-horn.	do	78	0	0
Jones, Thomas.....	Winchman, Dredge, "Newcastle."	Ill-health	164	1	8
Badcock, Matilda J. . .	Widow of E. N. Badcock, Clerk, Railways	Widow	82	10	0
Maddock, Georgina . .	Widow of W. D. Maddock, Examiner of Titles, Registrar-General's Office.	do	480	0	0
Eckford, W. J.	Timekeeper, Railways	Services dispensed with	72	3	9
Upward, Annie	Widow of A. Upward, Teacher, Public School, Four-mile Creek.	Widow	66	0	0
Brown, J. N.	Clerk, Customs	Services dispensed with	312	2	11
Johanson, A.	Boatman, Marine Board	Ill-health	127	0	0
Viles, J.	Foreman, Government Stores	Services dispensed with	131	13	4
Knapp, Alfred	Clerk, Railways	do	122	10	0
Elder, Margaret	Assistant Teacher, Public School, Camdenville	Ill-health	109	0	0
Meakin, Benjamin	Watchman, Dredge, Newcastle	Over 60 years of age	186	12	10
Adams, Paul	Clerk, Locomotive Branch, Railways	Services dispensed with	10	16	8
Scholey, T. R.	Clerk, Audit Branch, Railways	do	93	5	3
Blackstone, F. A. . . .	do do do	do	106	5	0
Menzies, J. O.	Cadet, Railways	do	40	12	6
Wray, Arthur	do do	do	25	5	6
Clements, G. F.	do do	do	32	10	0
Watson, C. F.	do do	do	21	7	9
Bawden, Thos.	Clerk, Railways	do	45	10	5
Burrows, Henry	do do	do	191	7	1
Camden, Geo.	do do	do	115	14	7
Blatchford, Richard . .	do do	do	83	12	3
Howard, Walter	do do	do	101	19	7
Bladon, Thos.	Inspector, do	do	263	10	10
Hilzinger, W. J.	do do	do	215	5	6
Rose, John C.	do do	do	266	18	10
Franklin, James	do do	do	365	19	5
Lainson, George	Sub-Inspector, Railways.....	do	238	6	8
Loughhead, Noah	do do	do	229	6	1
M'Miles, Samuel	do do	do	154	3	4
Manley, W. M.	Engineer, Railways.....	do	357	5	10
Eckersley, Isaac E. . . .	Foreman do	do	240	2	9
Horton, J. R.	Clerk, Locomotive Branch, Railways	do	232	19	9
Fitzgerald, E.	Clerk, Stores Branch, Railways	do	51	15	5
Thomson, Max.	Deputy Engineer, Railways	do	455	14	7
Hay, Alexander	Clerk, Audit Branch, Railways	do	55	6	3
Watson, H.	do do	do	173	12	3
Ottaway, Thos.	Ticket Collector, Railways	do	136	17	6
Street, Richard	Instrument Fitter, Electric Telegraphs	Ill-health	197	1	8
Foster, W. J.	Teacher, Public School, Wagonga	Over 60 years of age	24	2	6
Sherry, John	Warder, Ordnance Department, Newcastle	do	109	5	0
Bryant, Jas. N.	House to-House Teacher, Kadina...	do	22	6	10
Davy, F.	Out-door Inspector, Railways	Services dispensed with	231	5	0
M'Lean, Agnes	Widow of H. M'Lean, late Comptroller-General of Prisons.	Widow	480	0	0
Brown, John A.	Night Foreman, Tramway Locomotive Department	Services dispensed with	191	7	9
M'Carthy, M. A'B. . . .	Clerk, Account Branch, Colonial Secretary's Office.	do	154	13	9
Callachor, Amelia	Widow of J. F. Callachor, Chief Draftsman, District Inspectors Office, Tamworth.	Widow	225	0	0
Petersen, Wm.	Seaman, Dredge "Vulcan"	Ill-health	135	17	0
Reily, John	Teacher, Public School, Dundee	do	130	0	0
Laing, Scott L.	Clerk, Locomotive Branch, Railways	Services dispensed with	200	8	4
O'Loughlin, Catherine . .	Office-keeper, Colonial Secretary's Office	do	148	7	6
M'Gann, James	Gate-keeper, Darling Harbour Railways	do	30	17	6
Harper, William	Inspector of Conditional Purchases, Armidale	do	371	17	6
Allan, W.	Night Foreman, Tramway Locomotive Branch	do	232	10	0
Rogers, Emma L.	Widow of W. H. Rogers, Clerk, Public Instruction	Widow	132	10	0
		Total	23,280	10	0

APPENDIX VII.

OFFICERS retired on Pensions for purposes of retrenchment under Section 46 of the "Civil Service Act," 1884.

Pensioner.	Office retired from	Age.	Pension.
1885.		Yrs.	£ s. d.
M'George, John	Superintendent Temporary Hospital for Insane, Cooma	38	70 3 0
1886.			
Byrnie, M. M. G.	Matron R. C. Orphanage, Parramatta ..	47	125 8 0
1887.			
Wilson, John	School Attendance Office, Public Instruction ..	64	64 9 0
Goldsmith, Henry	do do do	63	109 6 0
Allan, Henry A.	Draftsman, Survey Office	41	116 10 0
Brown, Edward	Clerk, Lands	48	182 6 0
Canty, Michael	Draftsman, Survey Office	36	124 9 0
Chisholm, Daniel H.	Chief Draftsman, Albury Survey Office ..	42	200 10 0
Davidson, John	Clerk, Survey Office	60	221 1 0
Ellis, John W.	Chief Draftsman, Survey Office ..	68	384 8 0
Evans, Thomas	Accountant, Survey Office	42	168 18 0
Gerard, Francis	Chief Draftsman, Occupation Branch, Lands ..	38	160 9 0
Goggin, John F.	Draftsman, Survey Office	46	189 7 0
Greaves, William A. B.	Surveyor, Survey Office	58	288 17 0
Landers, John F.	Secretary and Cashier, Survey Office ..	57	287 8 0
Lewis, George	Draftsman, Survey Office	43	196 13 0
Lewis, Thomas H.	do do	58	393 4 0
Long, George	do do	77	164 15 0
Macdonald, Wm.	Clerk, Lands ..	64	97 17 0
Neate, Charles E.	do do	58	197 18 0
Newman, Thomas E. L.	do do	39	97 2 0
Paterson, Edmund	do do	59	117 1 0
Sharp, George W.	Lithographic Engraver, Lands ..	55	115 6 0
Slade, John James	Draftsman, Survey Office ..	48	149 12 0
Slack, Edward	Clerk, Charting Branch, Survey Office ..	40	69 18 0
Sevens, Thomas	Draftsman, Survey Office	48	211 2 0
Underwood, Richard G.	Description Writer, Survey Office ..	47	127 12 0
Williams, Frank	Clerk, Lands	40	99 3 0
Woolrych, Francis B. W.	Surveyor, Lands ..	61	208 11 0
Willis, James A. C.	Draftsman, Survey Office ..	54	324 1 0
Wiseman, John	Clerk in-charge, Local Land Board, Grafton ..	39	167 16 0
Groat, Malcolm	School Attendance Officer, Public Instruction ..	74	104 17 0
Downey, Patrick	do do	61	77 12 0
Turner, George	do do	61	106 13 0
Schwartzkoff, Henry	Assistant Superintendent, Protestant Orphan School, Parramatta ..	51	146 11 0
Sanders, George	School Attendance Officer, Public Instruction ..	61	83 10 0
Eccles, John	Lithographic Printer, Lands ..	62	180 10 0
Collis, Walter	Draftsman, Lands ..	33	92 14 0
Lyne, Emanuel	School Attendance Officer, Public Instruction ..	66	78 10 0
Neate, J. R.	Clerk, Local Land Board, Albury ..	56	133 16 0
Fitzgerald, R. D.	Deputy Surveyor-General ..	56	553 11 0
1888.			
De Milhau, Gabriel	Postal Inspector, Post Office ..	67	171 4 0
Adams, P. F.	Surveyor-General ..	59	579 15 0
Dudding, William	Clerk of Petty Sessions, Singleton ..	68	220 15 0
James, George C.	School Attendance Officer, Public Instruction ..	37	58 2 0
Willans, Obadiah	Clerk of Petty Sessions, Queanbeyan ..	72	128 5 0
Harc, Henry	Chief Draftsman, Lands Office, Cooma ..	37	172 14 0
Hicks, Lucy H.	Matron Superintendent, Newington Asylum ..	53	145 0 0
Bolton, Constantine F.	District Surveyor, Lands ..	48	309 5 0
Blanchard, J. T.	Ordnance Storekeeper and Barrack Master ..	43	274 17 0
1889.			
Newcombe, Geo. W.	Indexing Clerk, Colonial Secretary ..	59	183 15 0
Barney, Geo H.	Chief Inspector, Distilleries ..	60	412 17 0
Moriarty, Ed. O.	Engineer-in-Chief, Harbours and Rivers ..	64	791 13 0
Rae, John	Under Secretary, Public Works ..	75	543 14 0
Boag, Thomas	Locomotive Foreman, Railways ..	64	231 8 0
Scott, William	Locomotive Engineer, Railways ..	62	443 7 0
Godson, Richard	Chief Overseer, Parramatta Gaol ..	71	109 7 6
Wallace, Michael	Deputy Gaoler, Bathurst ..	67	110 5 0
Moppett, Thomas J.	Ledgerkeeper, Audit Department ..	60	230 15 0
Gilchrist, Drummond	Assistant Inspector of Accounts, Audit Department ..	68	250 9 0
De Courcy, Thomas	Clerk, Railways ..	33	71 10 10
Finegan, John P.	Examiner of Accounts, Railways ..	35	153 6 4
Malony, Cornelius C.	Clerk, Railways ..	52	73 11 3
Vyner, Frederick W.	Police Magistrate, Tumut ..	69	181 18 5
Higgs, John	Traffic Manager, Great Northern Railway ..	59	357 7 6
Muller, Wolfgang	Draftsman, Bourke Survey Office ..	41	134 3 4
Scale, Michael	Chief Clerk, Audit Branch, Railways ..	40	174 8 0
Higgs, Edward	Inspector, Traffic Branch, Railways ..	54	249 1 0
Slatyer, Hampton	Clerk, Audit Branch, Railways ..	36	58 1 0
Howarth, Shepherd	Issuer, Stores Branch, Railways ..	70	67 13 4
Bourne, E. J.	Superintendent of Rolling Stock, Railways ..	66	192 10 0
Wascoc, John O.	Clerk, Stores, Railways ..	68	64 16 0
Sirkett, Thomas	Foreman, Stores, Railways ..	58	89 3 0
Bingham, George	Foreman, Carriage Shop, Railways ..	49	160 17 0
Smithers, A.	Clerk, Traffic Branch, Railways ..	45	38 19 0
Betteridge, George	do do	41	42 17 0
Docksey, William	Sub-Inspector, Existing Lines, Railways ..	52	96 16 0
Brabstone, Michael	Overseer, Stores Branch, Railways ..	51	78 13 0
Pickering, James E.	Clerk, Railways ..	30	89 17 0
Fligg, Henry	Storekeeper, Newcastle, Railways ..	65	173 16 0
Kensett, F. J.	Clerk, Traffic Branch, Railways ..	69	95 17 0
	Carried forward	£	15,001 13 6

APPENDIX VII—continued.

Pensioner.	Office retired from.	Age.	Pension.		
		yrs.	£	s.	d.
1889—continued.					
	Brought forward .....	...	15,001	13	6
Evans, George T.	Superintendent of Stores, Railways	40	190	0	0
Iredale, L. P.	Record Clerk, Railways	45	151	19	0
Keon, George P.	Police Magistrate, Eden	68	378	0	0
Forbes, Alexander	Gaoler, Bathurst	62	131	18	0
Irvine, Christopher	Cashier, Northern Line Railways	49	94	4	0
Caldwell, Samuel	Gaoler, Armidale	77	131	15	0
Wood, A. P.	Assistant Engineer, Roads	46	267	7	0
Small, William	Superintendent Trial Bay Prison	65	284	15	0
Forryth, Francis W. G.	School Master, Sydney Gaol	61	88	0	0
Read, Sr. John C. Bart	Governor, Sydney Gaol	68	372	4	5
Forbes, Alex. Leith	Examiner, Public Instruction	66	390	0	0
Gardiner, John	Chief Examiner, Instruction	65	471	17	0
Duff, John	Chief Compiler, Government Statist	55	225	17	0
Jager, Joseph	Inspector, Glebe Island Abattoirs	76	100	10	0
Hinton, Alfred	Clerk and Accountant Marine Board	77	165	3	0
Luterick, Nicholas	Coxswain, Marine Board	43	71	16	0
Berney, Augustus	Landing Surveyor, Customs	57	360	4	0
Browne, W. J.	Sub-Collector of Customs, Grafton	64	135	8	0
Colclman, James	Coxswain Newcastle, Customs	59	79	0	0
Fay, Michael	Locker, Customs	65	86	7	0
Ikin, Henry	do do	72	154	0	0
O'Donnell, John	do do	56	110	8	0
Ormsby, Arthur J.	Landing Waiter, Customs	62	303	7	0
Pasmore, W. R. T.	do do	64	255	0	0
Rucker, Henry John	Clerk, Customs	68	293	7	0
Small, Robert	Cashier, Customs	62	257	9	0
O'Donnell, George	Chief Clerk, Government Stores	43	91	13	0
Purton, Henry	Inspector, Permanent Way Railways	57	185	5	0
Dietz, William	Foreman, Permanent Way Railways	59	90	6	0
Murdock, George	do do	69	100	6	0
Moodie, Andrew	Station-master, Marulan, Railways	63	147	13	0
Scotland, David	do Windsor do	63	112	18	0
Thompson, John R.	Inspector of Station Accounts, Railways	44	105	7	0
Read, W. V.	Traffic Manager, Railways	50	546	10	0
Williams, Walter	Gate-keeper, Darling Harbour, Railways	78	40	10	0
Cane, Frederick	Superintendent, Hospital for Insane, Newcastle	70	127	7	0
Vernon, Donald	Secretary for Railways	50	392	15	0
Moriarty, M. H.	Assistant Engineer, Harbours and Rivers	46	322	6	0
Cane, Elizabeth	Matron, Hospital for Insane, Newcastle	61	30	12	0
Woods, George	Foreman Blacksmith, Tramways	59	89	9	0
Clarke, James	Messenger, Public Works	72	49	0	0
Roberts, H.	Gate-keeper, Bathurst, Railways	64	68	10	0
Higgs, James	Station-master, Granville, Railways	57	203	18	0
Dowling, Edward	Assistant Superintendent of Technical Education	46	307	17	0
Graham, James	Signal-master, South Head	70	177	11	0
Drewett, J. W.	Assistant Engineer, Railways	69	418	15	0
Bayley, G. W. A.	Draftsman, Railways	64	174	8	0
Meldrum, J. B.	Road Superintendent, Roads	69	193	14	0
Waring, T. W.	Clerk, Roads	64	49	2	0
			£	24,585	0 11

APPENDIX VIII.

OFFICERS retired with Gratuities, for purposes of retrenchment, under Section 46 of the Civil Service Act.

Gratuitant	Office retired from.	Age at retirement.	Gratuity.		
		Yrs.	£	s.	d.
1886.					
Greenland, Herbert	Surveyor and Draftsman, Land Valuer's Office, Railways	37	166	6	0
Oakley, W. A.	Draftsman, Locomotive Engineer's Office, Railways	29	54	9	0
1887.					
O'Shea, Michael	Drillmaster, Roman Catholic Orphan School, Parramatta	49	255	16	11
Quinan, James	Inspector of Fisheries	45	99	6	1
Guiry, Jerome J.	Clerk, Clerk of the Peace Office	37	144	8	10
Alexander, S.	Draftsman, Survey Office	23	222	13	5
Allan, J. R.	Supernumerary Draftsman, Survey Office	22	27	3	0
Cansdell, G. G. M.	Draftsman, Survey Office	32	480	14	7
Duff, G. D.	Lithographic Draftsman, Survey Office	24	103	3	11
Gleeson, W.	Supernumerary do do	21	27	3	0
Gread, M. J. F.	Draftsman, Occupation of Lands	35	205	0	0
Hemming, O. H.	Assistant Examiner, Survey Office	42	325	18	9
Inder H.	Clerk, Lands Department	46	200	16	8
Kennedy, J. M.	Lithographic Draftsman, Survey Office	34	261	13	7
M'Minn, D. S.	Draftsman, Survey Office	45	318	5	7
M'Neill, J.	Clerk, do	35	167	11	5
Minchen, E. W.	Lithographic Draftsman, Survey Office	35	267	7	2
Morris, E. R.	do do	36	264	18	7
Sharp, F. W.	do do	26	200	0	0
Smith, F.	Clerk, Lands	47	225	0	0
Turri, G. G.	Draftsman, Survey Office	25	269	1	3
Walker, G. W.	Plan-mounter, do	27	208	6	8
Webster, W.	Examiner of Diagrams, Survey Office	67	331	11	11
Van Wessen, L. A.	Draftsman, Survey Office	24	109	9	11
Williams, E. G.	Clerk, Lands	35	192	12	9
Asher, Alfred	School Attendance Officer, Public Instruction	37	112	5	10
Barnes, Geo. R.	Draftsman, Public Instruction	23	65	0	0
	Carried forward.....	£	5,404	9	10

APPENDIX VIII—continued.

Gratulant.	Office retired from.	Age at retirement.	Gratuity.
1837—continued.			
	Brought forward	yrs.	£ s. d.
Carpenter, H. S.	School Attendance Officer, Public Instruction	52	5,404 9 10
Cork, F. A. H.	do do	29	97 0 3
Curran, W. R.	do do	45	97 15 6
Dadley, Frederick	Clerk of Works, Public Instruction	51	113 1 1
Duncan, David	do do	51	238 8 9
Dwyer, Denis	School Attendance Officer, Public Instruction	44	96 13 4
Evans, Henry	do do	35	113 1 1
Fagan, Chas. C.	do do	38	111 10 6
Henry, Herbert	do do	55	96 5 0
Margie, W. H.	Draftsman, Public Instruction	27	127 10 0
M'George, Andrew	Clerk of Works, Public Instruction	56	226 11 3
Nutthew, T. K.	School Attendance Officer, Public Instruction	34	97 0 3
Petre, Gerald	Clerk of Works, Public Instruction	41	53 6 8
Sutton, R. T.	Draftsman, Public Instruction	28	41 13 4
Thornton, J. C.	School Attendance Officer, Public Instruction	39	118 8 0
Turner, William	do do	34	97 15 6
Walkinshaw, C. C.	do do	53	97 15 6
White, F. J.	do do	52	87 7 3
Williamsen, A. J.	do do	44	97 0 3
Wilson, W. G.	Draftsman, Public Instruction	32	55 4 2
Delaney, Michael	School Attendance Officer, Public Instruction	60	118 8 0
Lloyd, Wm. F.	Office-keeper, Telegraphs	60	262 15 6
Pringle, Annie O.	Storekeeper, Fitzroy Dock	62	403 15 0
Sharp, Edward	Matron, Protestant Orphan School, Parramatta	46	440 0 0
Finn, J. J.	School Attendance Officer, Public Instruction	58	215 8 4
M'Lennan, J. A.	Draftsman, Lands	26	231 17 6
Rezzoli, O. F. de	Clerk, Lands Department	28	103 2 6
Tuckerman, P. P.	Draftsman, Lands Department	48	191 5 0
	Clerk, Survey Department	29	164 18 7
1888.			
Hedgeland, George	Surveyor, Lands	62	465 0 0
Chamer, A. F.	do do	41	233 6 8
Sim, W.	Draftsman, Survey Department	29	233 6 8
Cooper, W. M.	Surveyor, Public Parks	51	236 9 2
Townsend, George	Draftsman, Railways	29	62 2 0
Tomlins, W. H.	Clerk, Rabbit Branch, Lands	33	83 6 8
Walker, J. M.	do do	30	67 4 5
Selwyn, F. A.	Clerk, Agent General's Office	..	178 10 0
Alexander, John	do do	..	255 0 0
Wait, Edward R.	do do	..	63 15 0
Woolgar, Henry W.	do do	..	94 2 2
Bean, Alfred	do do	..	45 6 3
Forster, F. M. C.	Forest Ranger, Lands	39	155 0 0
Evans, F. M.	do do	39	106 9 2
Shadforth, H. P.	do do	47	81 2 11
Robison, Hugh	Inspector of Public Charities	63	652 5 0
Hall, William	Messenger, Office of Public Charities	35	120 6 3
Hall, Caroline	Office Keeper, do	33	13 17 9
Leggo, Thomas	Inspector of Permanent Way, Railways	33	94 1 3
Bagshawe, F. T.	Draftsman, Railways	28	32 10 0
M'Gillycuddy, R. E.	Dredge Master, Harbours and Rivers	33	257 12 9
Smith, G. J.	Draftsman, Lands	30	230 0 0
Collman, John	Chief Clerk, Board of Health	32	265 12 6
M'Sweeney, H.	Clerk, Railways	64	34 3 4
1889.			
Chettle, S. W.	Clerk, Colonial Secretary's Office	36	74 17 0
Thurlow, E. A. W.	do do	22	84 7 6
Quinn, J. J.	Draftsman, Lands	31	381 11 0
Kelly, C. B.	do do	40	228 16 9
Meredith, Meredith	Clerk, Forest Branch, Lands	54	136 13 4
Appelwhite, Clara	Assistant Sub-Matron, Newington Asylum	34	13 6 8
Martin, Reseigh	Clerk, Railways	37	89 11 8
Lyons, Reginald L.	do do	27	124 0 6
Wall, W. N. B.	do do	50	172 4 5
Lane, N. O.	do do	56	231 19 5
Hellyer, A.	do do	25	105 12 6
Rowley, P. A.	do do	26	162 5 10
M'Shane, J. J.	do do	30	78 7 4
Kelleher, P. W.	do do	41	55 9 9
Kelly, R. A.	do do	..	45 16 8
Bennett, C. C.	do do	24	78 2 6
Colls, C. R.	do do	25	61 7 9
Smithyman, A.	do do	19	32 1 8
Garrett, S. S.	do do	22	32 10 0
Stoddart, W.	Cadet, do	25	70 8 4
Moore, W. G.	do do	29	34 7 6
Doyle, J. A.	do do	21	49 13 0
Thompson, J. B.	do do	20	26 5 0
Newman, E. J.	do do	21	26 17 6
Hunt, Percy	do do	18	22 17 0
M'Donald, C. F.	Clerk, Railways	34	105 8 4
Austin, R. H.	do do	25	100 0 0
Rutherford, J. B.	do do	32	82 4 5
Fulton, E.	do do	18	16 5 0
Damel, A. A.	Clerk, Lands	30	285 0 0
Chancellor, Sydney	do do	40	105 0 0
Primrose, Albert F.	Clerk, Railways	42	241 1 3
	Carried forward	£	17,169 7 5

APPENDIX VIII—continued.

Gratuitant.	Office retired from	Age at retirement	Gratuity.		
		yrs.	£	s	d
1889—continued.					
Williams, J. H. ..	Brought forward Clerk, Clerk of the Peace Office	...	17,169	7	5
Ryan, John P. ..	Clerk, Railways	39	241	7	9
Williams, Percy G. ..	do do	19	24	15	10
Doyle, Peter	do do	25	62	5	10
Hennessy, W. B. ..	do do	60	15	16	0
Coker, W. ..	do do	45	88	17	9
Rowley, F. H.	do do	38	119	8	11
Cane, Frank C. ..	do do	23	81	11	3
Chapman, William ..	do do	27	194	1	11
Graham, Chas. ...	do do	64	202	7	3
Tyndall, H. D. ..	do do	58	71	17	6
Lyne, W. J. ..	do do	33	95	0	0
Higgins, Thomas ..	Storekeeper, Railways	24	28	9	5
Pollock, W. A. ..	Clerk, Railways	53	142	3	9
Gardiner, Thos. J. ..	do do	26	78	15	0
Leggatt, Alfred ..	Architect, Railways	34	110	0	0
Hinder, Arthur G ..	Draftsman, do	52	389	11	8
Higgs, W. H. ..	do do	26	105	0	0
Pitt, George H. ..	do do	33	252	7	2
Conyers, Sydney W. ..	Cadet, do	30	169	8	11
Robinson, James A. ..	Clerk, do	23	39	18	7
Moore, Frederick C. ..	Custodian of Plans, Railways	26	58	6	8
Garforth, James ..	Draftsman, Railways	20	29	3	4
Palfreyman, John ..	Timekeeper, do	58	52	7	3
Miles, Albert ..	Clerk, Railways	27	282	12	9
Eckford, Peter ..	do do	30	32	1	8
Kennedy, J. M. ..	do do	56	143	10	10
Mailer, Andrew ..	do do	34	38	3	11
Triglove, Amos ..	do do	26	100	16	8
Dingavan, William ..	do do	56	62	4	5
Mann, Samuel ..	Draftsman, Railways	42	125	8	4
Fry, Henry ..	Clerk, Railways	48	101	10	7
Ford, T. S. ..	do do	29	42	3	9
Carter, E. W. ..	do do	35	108	6	8
Sothorn, George ..	do do	32	163	1	1
Falconer, M'Vey N. ..	do do	53	162	18	4
Wisdom, W. S. ..	do do	33	314	3	4
Mulholland, C. M. ..	do do	53	249	0	6
Colls, Alfred T. ..	do do	33	200	2	9
Husk, A. J. ..	do do	41	143	12	3
Nowill, Leonard ..	Draftsman, Railways	33	146	6	5
Turnen, George ..	Clerk, do	35	80	5	7
Cameron, Neil ..	Loading Porter, Railways	39	214	11	0
Chapman, W. F. ..	Clerk, do	33	159	6	1
Kilgour, R. G. ..	do do	21	186	5	8
Muddle, John ..	do do	30	72	11	5
Spence, Robert A. ..	Messenger, do	20	269	5	5
Hinchcliffe, T. C. ..	Secretary and Paymaster, Casual Labour Board	40	27	1	8
Eckford, W. J. ..	Timekeeper, Railways	31	401	0	10
Brown, J. N. ..	Clerk, Customs	38	72	3	9
Viles, J. ..	Foreman, Government Stores Department	60	312	2	11
Knapp, Alfred ..	Clerk, Railways	44	131	13	4
Adams Paul ..	Clerk, Locomotive Branch, Railways	19	122	10	0
Scholey T. R. ..	do Audit do do	34	10	16	8
Blackstone, F. A. ..	do do do do	33	93	5	3
Menzies, J. O. ..	Cadet, Permanent-ways, Railways	22	106	5	0
Wray, Arthur ..	do do do	18	40	12	6
Clements, G. F. ..	do do do	21	25	5	6
Watson, C. F. ..	do do do	23	32	10	0
Bawden, Thomas ..	Clerk, do do	22	21	7	9
Burrows, Henry ..	do do do	41	45	10	5
Camden, George ..	do do do	26	191	7	1
Blatchford, Richard ..	do do do	31	115	14	7
Howard, Walter ..	do do do	24	83	12	3
Bladon, Thomas ..	Inspector, do do	53	101	19	7
Hilzinger, W. J. ..	do do do	48	263	10	10
Rose, J. C. ..	do do do	37	215	5	6
Franklin, James ..	do do do	35	266	13	10
Lanson, George ..	Sub-Inspector, do do	34	365	19	5
Loughhead, Noah ..	do do do	43	238	6	8
M' Miles, Samuel ..	do do do	39	229	6	1
Manley, W. M. ..	Engineer, do do	53	154	3	4
Eckersley, Isaac E. ..	Foreman, do do	55	357	5	10
Horton, J. R. ..	Clerk, Locomotive Branch, do	35	240	2	9
Fitzgerald, E. ..	do Stores, do	21	232	19	9
Thomson, Max ..	Deputy Engineer, do	36	51	15	5
Hay, Alexander ..	Clerk, Audit Branch, do	28	455	14	7
Watson, H. ..	do do do	28	55	6	3
Ottaway, Thomas ..	Ticket Collector, do	28	173	12	3
Davy, F. ..	Out-door Inspector, do	51	136	17	6
Brown, John A. ..	Night Foreman, Tramways, Locomotive Branch	40	231	5	0
M'Carthy, M. A'B. ..	Clerk, Colonial Secretary's Office	25	191	7	9
Lang, Scott L. ..	do Locomotive Branch, Railways	32	154	13	9
O'Loughlin, Catherine ..	Office-keeper, Colonial Secretary's Office	36	200	8	4
M'Gann, James ..	Gate-keeper, Darling Harbour, Railways	..	148	7	6
Harper, William ..	Inspector, Conditional Purchases, Armidale	65	30	17	6
Allan, W. ..	Night Foreman, Tramways, Locomotive Branch	46	371	17	6
			232	10	0
			£ 30,159	10	0

The total saving in salaries by dispensing with the services of the Officers named in Appendices VII and VIII amounts to £94,520 per annum.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CIVIL SERVICE ACT, 1884.
(RETURN OF PENSIONS GRANTED UNDER.)

Ordered by the Legislative Assembly to be printed, 7 May, 1890.

Return of Pensions granted under "Civil Service Act, 1884." (48 VICTORIA No. 24.)

Name.	Amount of Pension.	Age.	Date from which the Pension was granted.	Service for which Pension was granted.
	£ s. d.			
William Crane	369 16 6	58	28 May, 1885 ...	Stipendiary Magistrate, Sydney.
Macnamara Russell	111 0 11	49	10 " " ...	Chief Draftsman, Engineer-in-Chief, Railways.
James Proctor	90 15 0	59	1 Aug., " ...	Inspector, Locomotive Branch, Railways.
John M'George	70 3 0	38	11 Feb., " ...	Superintendent, Temporary Hospital for the Insane, Cooma.
Gabriel H. L. Carroll ¹	86 12 0	53	7 Nov., " ...	Inspector of Telegraph Lines and Stations.
Matthew Duhigg ²	38 10 0	60	1 Aug., " ...	Public School Teacher, Nelanglo.
William Sixsmith	69 10 0	69	1 Dec., " ...	Engine-driver, Railways.
J. E. Cumming	77 8 0	61	30 Sept., " ...	Public School Teacher, Jerry's Plains.
Jerman T. Harrison	81 15 0	47	1 Dec., " ...	Post and Telegraph Master, Corowa.
Jane Stevenson	59 1 0	60	30 Nov., " ...	Public School Teacher, Camperdown.
Colin C. Pentland	20 10 0	73	30 " " ...	" " Daisy Dale.
Robert MacDougal	34 13 0	62	30 " " ...	" " Bumbury.
George Spanswick	72 7 0	56	18 June, " ...	" " Appin.
Josiah West	20 6 0	76	31 Dec., " ...	Messenger, Railways.
Joseph Bell	46 13 0	52	31 Mar., " ...	Public School Teacher, Dural.
Eliza Styles	123 0 0	52	30 Nov., " ...	" " Mudgee.
Peter D. M'Cormick	76 19 0	52	30 " " ...	" " Crown-street, Sydney.
Patrick Rohan	46 12 0	48	30 " " ...	" " Spaniard's Hill.
Michael O'Grady	51 2 0	54	31 Dec., " ...	" " Saucy Creek.
Thomas Crothers	22 13 0	79	1 Jan., 1886 ...	Railway Station-master, Harley.
Alexander Johnson	173 17 0	60	1 " " ...	1st Class Draftsman, Surveyor-General's Department.
Denis Dempsey	71 5 0	57	14 Feb., " ...	Locker, Customs.
Samuel Small	45 15 0	59	31 Mar., " ...	Store Labourer, Ordnance.
James Kelly	44 4 0	54	1 " " ...	Warder, Darlinghurst Gaol.
James Curnane	45 10 0	60	1 " " ...	" Parramatta "
Charles Parsons	47 8 0	55	1 " " ...	" Maitland "
Thomas O'Brien	34 3 0	71	1 " " ...	" Bathurst "
Anthony Darby	41 13 0	60	1 " " ...	" Darlinghurst "
Edward Walker	37 0 0	65	28 Feb., " ...	Public School Teacher, Upper Myall River.
William Wilkins	63 8 0	64	29 Mar., " ...	Messenger, Customs.
William Hanna	32 14 0	52	1 April, " ...	Warder, Albury Gaol.
Pierce Goold	85 7 0	70	31 Jan., " ...	Postmaster, Newtown.
Henry Tessier	49 9 0	52	28 Feb., " ...	Boatman, Macleay River.
Arthur J. Burnell	108 10 0	36	25 Jan., " ...	Chief Draftsman, Forbes, Surveyor-General's Department.
George Pool Hayes	17 12 0	65	30 April, " ...	Public School Teacher, Morebinger, Howlong.
Edward R. Hinder	104 10 0	56	31 Mar., " ...	" " Enfield.
Samuel King Miller	100 7 0	55	31 May, " ...	Public School Teacher, Burrawang.
Robert Donaldson	106 16 0	47	1 April, " ...	Road Superintendent, Roads and Bridges Department.
John Stack	166 11 9	55	1 June, " ...	1st Class Draftsman, Surveyor-General's Department.
Robert D. Ward	40 10 0	66	16 April, " ...	Surgeon and Dispenser, Hyde Park Asylum.
John MacKinlay	64 10 0	66	9 Aug., " ...	Head Bailiff, District Court, Sydney.
George Poole	62 8 0	58	31 May, " ...	Boatswain, Marine Board.
John Dunkin	60 3 0	53	31 Aug., " ...	Letter-carrier, General Post Office.
Francis E. Suter	35 10 0	69	30 Sept., " ...	Cook and Steward, Dredge, " Vulcan."
George Jamieson	166 18 0	58	31 May, " ...	District Engineer, Railways.
Richard Hawkins	92 4 0	61	31 Aug., " ...	Public School Teacher, Prospect.
William Langton	109 7 6	60	30 Sept., " ...	" " Riverstone.
Thomas Richards	480 2 0	55	1 Nov., " ...	Government Printer and Registrar of Copyright.
Edward Gosnell	36 12 0	72	30 Sept., " ...	Carriage-lifter, Railways.
W. W. Board	74 13 0	63	31 Oct., " ...	Public School Teacher, Druitt Town.
Peter Ferguson	70 8 0	59	25 Aug., " ...	Engine-driver, Railways.
Loerin Tiddy	75 4 0	51	30 Sept., " ...	Public School Teacher, Hurstville.

¹ Deceased, 15 October, 1889.

² Deceased, 25 October, 1889.

RETURN OF PENSIONS GRANTED UNDER "CIVIL SERVICE ACT, 1884"—*continued.*

Name.	Amount of Pension.	Age.	Date from which the Pension commenced.	Service for which the Pension was granted.
	£ s. d.			
John Sangster	255 18 9	61	1 Jan., 1887 ...	1st Class Draftsman, Survey Office.
Edward Woodgate	150 19 0	60	1 " " ...	Railway Station-master, Dubbo.
William E. Shaw	84 7 0	72	1 " " ...	Post and Telegraph Master, Raymond Terrace.
Charles Watt	118 2 0	65	1 " " ...	Government Analyst and Inspector of Kerosene.
James Booth	43 19 3	59	1 " " ...	Teacher of the Public School, Yalwal.
John Jacob	49 8 0	60	1 " " ...	" " " Third Creek.
William Walker	47 7 0	72	1 Feb., " ...	Light-keeper, Clarence Heads, Marine Board.
A. O. Grant	215 15 0	60	1 Jan., 1887 ...	Police Magistrate, Bourke.
M. M. G. Byrne	125 8 0	47	1 Oct., 1886 ...	Matron, Roman Catholic Orphan School, Parramatta.
William Whalen	37 6 0	63	15 " " ...	Watchman, Railway Department.
Mary A. Price	31 15 3	46	1 Jan., 1887 ...	Teacher, Public School, Mount Murray.
William Groves	52 8 0	55	1 Feb., " ...	Attendant, Hospital for Insane, Parramatta.
Martin Fleming	41 18 0	49	1 " " ...	" " " " "
Thomas Carlisle	163 15 0	62	1 May, " ...	Traffic Auditor, Railway Department.
Wm. Hunter	79 4 0	66	1 March, " ...	Compositor, Government Printing Office.
Robert Henderson	38 11 0	62	13 Feb., " ...	Attendant, Hospital for the Insane, Parramatta.
Thomas Fancourt	251 1 0	68	1 " " ...	Warehousekeeper and Inspector of Warehouses, Customs.
William Gilberthorpe	37 2 0	64	1 April, " ...	Acting 1st Class Warder, Darlinghurst Gaol.
Henry Goldsmith	109 6 0	63	1 July, " ...	School Attendance Officer, Department of Public Instruction.
Clement T. Rodd	74 9 0	43	1 Feb., " ...	Custodian of Plans, Surveyor-General's Office.
W. E. Plunkett	63 17 9	57	23 Nov., " ...	Under Secretary for Justice.
George R. Easton	97 7 0	71	1 May, " ...	Pilot, Marine Board.
Charles B. Cuttriss	174 17 0	58	1 May, " ...	Post and Telegraph Master, King-street.
John C. Browne	68 10 0	62	1 April, " ...	Teacher, Public School, Turranna Creek.
J. A. Read	208 16 8	63	1 Jan., " ...	Chief Clerk, Supreme Court.
John Mills	54 3 0	67	1 May, " ...	Teacher, Public School, Blacktown.
Patrick O'Dwyer Moloney	101 4 0	63	1 July, " ...	School Attendance Officer, Department of Public Instruction.
John Wilson	64 9 0	64	1 " " ...	" " " " "
Wm. Beck	167 0 0	67	8 June, " ...	Landing-waiter, Customs.
Andrew Porter	108 18 0	45	1 " " ...	Clerk, General Post Office.
Benjamin Mawson	44 9 0	62	1 " " ...	Head Porter, Railway Department.
James Reid	36 0 0	60	22 May, " ...	Sewer.
Richard H. Crackanthorp	85 5 0	61	6 " " ...	Clerk, General Post Office.
John H. Emmett	30 9 0	63	1 July, " ...	Teacher, Public School, Forest Hill.
Henry Wheeler	56 17 0	85	1 " " ...	Post and Telegraph Master, Muswellbrook.
Thomas Williamson	56 15 0	64	1 " " ...	Foreman Blacksmith, Fitzroy Dock.
Phillip Snape	88 13 0	69	1 " " ...	Police Magistrate, Gulgong.
George Lambert	54 8 0	64	1 Sept., " ...	Teacher, Public School, Guildford.
James Scowcroft	90 6 0	69	9 June, " ...	Post and Telegraph Master, Redfern.
E. H. Tompson	110 17 0	68	1 July, " ...	Clerk of Petty Sessions, Wagga Wagga.
H. A. Allan	116 10 0	41	1 " " ...	1st Class Draftsman, Survey Office.
Edward Brown	182 6 0	48	1 " " ...	Clerk, Lands Department.
Michael Canty	124 9 0	36	1 " " ...	1st Class Draftsman, Survey Office.
D. H. Chisholm	200 10 0	42	1 " " ...	Chief Draftsman, District Survey Office, Albury.
John Davidson	221 1 0	60	1 " " ...	1st Clerk, Survey Office.
J. W. Ellis	384 8 0	68	1 " " ...	Chief Draftsman, Survey Office.
Thomas Evans	168 18 0	42	1 " " ...	Accountant,
Francis Gerard	160 9 0	38	1 " " ...	Chief Draftsman, Occupation Branch, Lands.
J. F. Goggin	189 7 0	46	1 " " ...	1st Class Draftsman, Survey Office.
W. A. B. Greaves	288 17 0	58	1 " " ...	1st Class Surveyor,
J. F. Landers	287 8 0	57	1 " " ...	Secretary and Cashier "
George Lewis	196 13 0	43	1 " " ...	1st Class Draftsman,
Thomas H. Lewis	393 4 0	58	1 " " ...	" " " "
George Long	164 15 0	77	1 " " ...	" " " "
William Macdonald	97 17 0	64	1 " " ...	Clerk, Department of Lands.
Charles E. Neate	197 18 0	58	1 " " ...	" " " "
Thomas E. L. Newman	97 2 0	39	1 " " ...	" " " "
Edmund Patterson	117 1 0	59	1 " " ...	" " " "
George W. Sharp	115 6 0	55	1 " " ...	Lithographic Engraver, Department of Lands.
John James Slade	149 12 0	48	1 " " ...	2nd Class Draftsman, Survey Office.
Edward Stack	69 18 0	40	1 " " ...	Clerk, Survey Office.
Thomas Stevens	211 2 0	48	1 " " ...	1st Class Draftsman, Survey Office.
Richard G. Underwood	127 12 0	47	1 " " ...	Description Writer,
Frank Williams	99 3 0	40	1 " " ...	Clerk, Department of Lands.
Francis B. W. Woolrych	208 11 0	61	1 Nov., " ...	Surveyor,
James A. C. Willis	324 1 0	54	1 July, " ...	1st Class Draftsman, Survey Office.
John Wiseman	167 16 0	39	1 " " ...	Clerk in Charge, Local Land Board, Grafton.
Malcolm Groat	104 17 0	74	1 " " ...	School Attendance Officer, Department of Public Instruction.
Patrick Downey	77 12 0	61	1 " " ...	" " " "
George Turner	106 13 0	61	1 " " ...	" " " "
Goodwin R. Packer	150 10 0	37	1 May, " ...	Chief Draftsman, Local Land Office, Grafton.
William Ahearn	38 15 0	58	1 Aug., " ...	Boatman, Newcastle, Customs.
Henry Schwartzkoff	146 11 0	51	1 Oct., 1886 ...	Asst. Superintendent, Protestant Orphan School, Parramatta.
John S. Arnott	60 10 0	54	15 July, 1887 ...	Post and Telegraph Master, Wickham.
Robert Cork ¹	105 11 0	65	1 Nov., " ...	Sea Pilot, Marine Board.
William Forde	253 18 0	49	1 Sept., " ...	Chief Clerk, Department of Public Works.
John Ward Veitch	74 4 0	55	1 " " ...	Attendant, Hospital for Insane, Parramatta.
John Fitch	106 12 0	61	1 " " ...	Engineer and Master Dredge "Gamma," Harbours and Rivers.
Roderick McGregor	80 10 0	47	11 Mar., 1886 ...	Teacher, Public School, Cambewarra.
John Eccles	180 10 0	62	1 July, 1887 ...	Lithographic Printer, Lands Department.
W. Collis	92 14 0	33	1 Aug., " ...	Draftsman,
W. H. Maybury	81 12 0	72	1 July, " ...	Sheriff's Officer, Goulburn.
Emanuel Lyne	78 10 0	66	1 " " ...	School Attendance Officer, Department of Public Instruction.
Archibald Wilson	65 16 0	55	1 " " ...	Stationary Engine-driver, Railways.
William Chandler	52 17 0	79	16 " " ...	Gatekeeper, Railway Department.
J. R. Neate	133 16 0	56	1 July, " ...	Clerk, Local Land Board, Albury.

¹ Deceased, 2 August, 1889.

RETURN OF PENSIONS GRANTED UNDER "CIVIL SERVICE ACT, 1884"—continued.

Name.	Amount of Pension.	Age	Date from which the Pension commenced	Services for which the Pension was granted.
	£ s. d.			
John Swyny	169 8 0	61	1 Nov., 1888	Sub-Collector of Customs, Albury.
Anthony Charles Donelan ..	107 10 0	41	17 July, "	Locker, Customs.
Louis Buchanan	160 0 0	60	31 Dec, "	Chief Clerk, Customs.
John Johnson	56 7 0	62	31 " "	Carpenter, Dredge "Pluto," Harbours and Rivers Department.
Stephen W. Jones	549 0 0	62	31 " "	Clerk of the Legislative Assembly.
R. D. Fitzgerald	553 11 0	56	1 Dec, 1887	Deputy Surveyor General, Lands
William Nicoll	36 2 0	75	1 " "	Carrriage-builder, Railways.
Alexander Anderson	67 4 0	65	1 Oct, "	Teacher, Public School, Gledswood.
G. de Milhau	171 4 0	67	1 Jan, 1888	Postal Inspector, Post Office
P. F. Adams	579 15 0	59	1 " "	Surveyor-General
R. A. Canter	212 10 0	50	1 " "	Examiner of Accounts, Treasury.
William Austin	40 10 0	55	1 " "	Attendant, Hospital for Insane, Parramatta.
William Dudding	220 15 11	68	1 Nov, 1887	Clerk of Petty Sessions, Singleton.
Henry Sims	70 7 0	70	1 Jan, 1888	Stamper and Sorter, General Post Office.
Joseph Lexton	153 8 0	61	1 " "	Inspector of Permanent-way, Railways.
Lawrence Rockliff	93 8 0	61	1 " "	Teacher, Public School, New Lambton.
George C. James	58 2 0	37	1 July, 1887	School Attendance Officer, Public Instruction.
A. A. Turner	277 2 0	61	1 Jan, 1888	Police Magistrate, Wollongong.
Catherine Groberty	63 14 0	60	1 " "	Public School Teacher, Clairvaux.
James Duffy	160 3 0	58	1 Mar, "	Inspector, Railways.
Michael J. Doyle	56 3 0	42	1 Aug, 1887	Public School Teacher, Manilla.
Adalbert Weber	167 14 0	64	1 Jan., 1888	Road Superintendent, Roads and Bridges.
E. R. Thomas	99 19 0	65	16 Mar, "	Draftsman, Railways.
Obadiah Willans	128 5 0	72	1 Jan, "	Clerk of Petty Sessions, Queanbeyan.
James Thomson	371 8 0	61	1 Mar., "	Chief Inspector and Consulting Accountant, Treasury.
Reginald Hare	102 12 0	75	1 Dec, 1887	Police Magistrate, Wellington.
Alexander Lumsdaine	77 17 0	66	1 April, 1888	Clerk of Petty Sessions, Newcastle.
W. P. Clennett	68 5 0	61	22 Feb, "	Assistant Foreman Bookbinder, Government Printing Office.
George Edwards	36 10 0	66	1 Jan. "	Teacher, Public School, Oakendale.
William Matthews	174 9 0	53	1 April, "	" " Macquarie-street South.
William Wilson	48 15 0	61	1 Jan, "	" " Boolong.
Emanuel Silva	46 13 0	80	1 Feb, "	1st Assistant Lightkeeper, Macquarie Lighthouse.
Thomas Bryant	129 18 0	61	1 May, "	Foreman Blacksmith, Railways.
J. P. Collier	78 3 0	64	1 April, "	Public School Teacher, Broke.
John Dallas	36 3 0	63	1 Jan, "	Fettler, Railways
William J. Sydenham	71 5 0	52	1 Mar., "	Station-master, Rooty Hill, Railways.
James Buchanan	413 10 0	60	1 Jan, "	Stipendiary Magistrate.
F. C. Luardet	59 13 0	64	1 May, "	Station-master, Railways
Edward Reeve ¹	126 11 0	65	13 " "	Police Magistrate, Port Macquarie.
Walter D'Arnetta	226 9 0	58	1 " "	Overscer, Government Printing Office.
John Donnellan	43 8 0	58	1 " "	Attendant, Hospital for Insane, Parramatta.
Michael MacDermott	126 11 0	59	1 April "	Locker, Customs.
Thomas Joyce	40 4 0	51	1 May, "	Warder, Sydney Gaol.
William Robinson	131 10 0	69	1 Oct, "	Chief Clerk, Agent-General's Office.
Francis W. Hill	470 3 0	56	6 June, "	Superintendent and Controller, Money Order Office and Government Savings Bank.
John Hollis	122 11 0	66	1 " "	Inspector, Railways.
Chas M. Chapman	75 8 0	71	1 " "	Public School Teacher, Luddenham.
Frederick M. Charteris	102 7 0	65	1 Sept., "	Deputy Registrar of Brands, Mines.
G. J. Robinson	120 4 0	54	1 May, "	Clerk, Stock Branch, Mines.
James Taylor	148 16 0	55	1 Jan, "	Pilot, Marine Board.
Alfred Denison	44 14 0	61	1 Aug, "	Warder, Sydney Gaol
W. H. Thompson	230 3 0	71	4 Oct, "	Postmaster, Newcastle.
Robert Houslar	75 10 0	64	1 Sept., "	Pilot, Marine Board.
Evan Richards	104 11 0	67	1 April, "	Sheriff's Officer and District Court Bailiff.
William Stronge	91 1 0	58	1 Aug, "	Teacher, Public School, Pictou.
Ellen Pownall	34 10 0	52	1 May, "	" " Rouse Hill.
Jas H. Wood	271 19 0	59	1 April, "	1st Class Surveyor, Lands.
Henry Hare	172 14 0	37	9 July, "	Chief Draftsman, Lands Office, Cooma.
Lucey H. Hicks	145 0 0	53	1 Jan, 1889	Matron-Superintendent, Newington Asylum.
John Davis	142 18 0	70	1 Oct., 1888	Police Magistrate, Bega.
Frederic King	214 0 0	62	1 Jan, "	Manager of Government Asylums for Infirm and Destitute.
Constantine F. Bolton	309 5 0	48	1 April, "	District Surveyor, Lands.
Bridget Galbraith	116 4 0	40	1 Oct, "	Mistress, Public School, Waterloo.
David Patterson	46 19 0	68	1 Jan, 1889	Teacher, Public School, Grantham.
David Watson	27 6 0	66	1 Aug, 1888	Labourer, Ordnance and Barrack Department.
W. H. Bayly	86 6 0	46	1 Oct, "	School Attendance Officer, Grafton.
M. Honora Henderson	41 18 0	44	1 Jan, 1889	Teacher, Public School, Norwood.
Alexander Halkett	75 6 0	65	8 Aug, 1888	Dredge-Master, Harbours and Rivers.
W. T. Holland	70 4 0	66	1 Dec, "	Teacher, Public School, Burrangong Heights.
John Boone	71 13 0	60	1 Oct., "	Diver, Railways
J. W. Delaney	113 11 0	56	17 Aug, "	Sheriff's Officer, Newcastle.
J. W. Emblin	168 16 0	63	1 Jan, 1889	Postmaster, Armdale.
George Bewick	275 10 0	64	21 Oct, 1888	District Engineer, Railways.
William Flood	75 9 0	54	1 Dec, "	Sub-Inspector, Railways.
William Bradford	55 14 0	60	1 Jan, 1889	Senior Warder, Tamworth Gaol
John Kealey	86 12 0	61	1 " "	School Attendance Officer, Department of Public Instruction.
Richard Youll	153 11 0	63	1 " "	Teacher, Public School, Plattsburg
Thomas H. Corcoran	69 18 0	68	1 " "	" " Yatteyattah.
Robert Allen	60 9 0	61	2 " "	Carpenter, Railways
Richard Darby	152 18 0	73	1 " "	Station-master, Mortuary.
John G. Bissett, sen.	96 10 0	71	1 " "	" " Brewongle.
George Bonamy	156 12 0	69	1 Oct, 1888	" " Ashfield.
John Woodrow	74 9 0	61	2 Mar, 1889	Sub Inspector, Railways.
Isabella Caldwell	20 8 0	69	1 Jan, "	Matron, Armdale Gaol.
George W. Newcombe	183 15 0	59	1 May, "	Indexing Clerk, Colonial Secretary's Office.

¹ Deceased 13 May, 1889.

RETURN OF PENSIONS GRANTED UNDER "CIVIL SERVICE ACT, 1884"—continued.

Name.	Amount of Pension	Age	Date from which the Pension commenced	Services for which the Pension was granted.
	£ s. d.			
Thomas Hollis	63 5 0	69	1 Oct., 1888	Sub-Inspector, Railways.
G. H. Barney.....	412 17 0	60	1 July, 1889	Chief Inspector, Distilleries.
E. O. Moriarty	791 13 0	64	1 Jan., "	Engineer-in-Chief, Harbours and Rivers.
John Rae	543 14 0	75	1 April, 1888	Under Secretary for Public Works.
Thomas Boag.....	231 8 0	64	1 " 1889	Locomotive Foreman, Railways.
William Scott	443 7 0	62	1 Jan., "	Locomotive Engineer, Railways.
Richard Godson	100 7 6	74	1 " "	Chief Overseer, Parramatta Gaol.
Michael Wallace	110 5 0	67	1 " "	Deputy Gaoler, Bathurst.
Henry Connell	342 0 0	60	1 " "	Police Magistrate and Customs Officer, Kiama.
Robert L. Eames	135 1 0	61	22 Oct., 1888	Landing Waiter, Customs.
Samuel N. South	84 18 0	54	1 Mar., 1889	Instrument Fitter, Telegraphs.
George Simpson	70 1 0	60	1 Feb., "	Teacher, Public School, Bowra.
Thomas J. Moppett	230 15 0	60	1 July, "	Principal Ledger-keeper, Audit Department.
Francis H. Bussell ¹	76 13 0	37	1 Mar., "	Operator, Telegraphs.
Drummond Gilchrist.....	250 9 0	68	1 April, "	Assistant Inspector of Accounts, Audit Department.
James Grant	131 17 0	60	1 Jan., "	Shed Inspector, Railways.
Thomas De Courcy	71 10 10	33	1 May, "	Clerk, Railways.
John P. Finegan	153 6 4	35	1 " "	Examiner of Accounts, Railways.
Alice Forbes	20 8 0	58	10 Nov., 1888	Matron, Bathurst Gaol.
Cornelius C. Molony	73 11 3	52	1 May, 1889	Clerk, Railways.
Isidore C. Long	116 14 0	50	1 Mar., "	Teacher, Infants' School, Balmain.
F. W. Vyner	181 18 5	69	1 Jan., "	Police Magistrate, Tumut.
George Sutton	47 1 0	67	2 Feb., "	Examiner, Locomotive Branch, Railways.
Mary Jane Barry	29 0 0	52	1 May, "	Housemaid, Hospital for the Insane, Gladesville.
John Higgs.....	357 7 6	59	1 Mar., "	Traffic Manager, G. N. Railway.
John Mullampy	37 5 0	63	1 June, "	Teacher, Public School, Duramana.
Woolfang Muller	134 3 4	41	3 Oct., "	Draftsman, Survey Office, Bourke.
John Dunman	51 7 0	59	1 May, "	Teacher, Public School, Aberglasslyn.
William Buckley	39 14 0	77	10 " "	Carpenter, Railways.
Marmaduke Haggerty	40 7 0	60	1 Jan., "	Watchman, Fitzroy Dock.
J. W. Wilhamson	88 4 0	64	25 July, "	Trades Overseer, Parramatta Gaol.
Michael Seale	174 8 0	40	2 June, "	Chief Clerk, Audit Branch, Railways.
Edward Higgs	249 1 0	54	2 " "	Inspector, Traffic Branch, Railways.
Hampton Slatyer	58 1 0	36	2 " "	Clerk, Audit Branch, Railways.
Shepherd Howarth	67 13 4	70	2 July, "	Issuer, Stores Branch, Railways.
E. J. Bourne	192 10 2	66	2 " "	Superintendent of Rolling Stock, Railways.
Thomas Sirklett	89 3 0	58	2 " "	Foreman, Stores, Railways.
George Bingham	160 17 0	49	2 " "	" Carriage Shop, Railways.
A. Smithers	38 19 0	45	2 " "	Clerk, Traffic Branch, Railways.
George Betteridge	42 17 0	41	2 " "	" " "
William Docksey	96 16 0	52	2 " "	Sub-Inspector, Existing Lines, Railways.
Michael Brabstone.....	78 13 0	51	2 " "	Overseer, Stores Branch, Railways.
James E. Pickering	89 17 0	30	2 " "	Clerk, Railways.
Henry Fligg	173 16 0	65	2 Oct., "	Storekeeper, Newcastle, Railways.
F. J. Kensett	95 17 0	69	2 " "	Clerk, Traffic Branch, Railways.
George T. Evans	190 0 0	40	2 " "	Superintendent of Stores, Railways.
L. P. Iredale	151 19 0	45	2 Nov., "	Record Clerk, Railways.
John O. Wascoe	64 16 0	68	2 July, "	Clerk Stores, Railways.
J. C. Hankin ²	113 18 0	57	1 April, 1888	Station-master, Newtown.
Thomas Hall	44 8 0	63	1 June, 1889	Teacher, Public School, Ghinni Ghinni.
G. P. Keon	378 0 0	68	1 Jan., "	Police Magistrate, Eden.
James Starkey	72 18 0	51	17 " "	Shed Inspector, Railways.
Edgar Fuller	72 0 0	64	1 July, "	Public School Teacher, Colyton.
Alexander Forbes	134 18 0	63	10 Nov., 1888	Gaoler, Bathurst.
Christopher Irvine.....	94 4 0	49	1 " 1889	Cashier, Northern Line, Railways.
Samuell Caldwell	131 15 0	77	1 Jan., "	Gaoler, Armidale.
A. P. Wood	267 7 0	46	1 July, "	Assistant Engineer, Roads.
William Small	284 15 0	65	1 May, "	Superintendent, Trial Bay Prison.
Anne Lynch	60 10 0	32	1 July, "	Mistress, Infant School, Wagga Wagga.
Francis W. G. Forsyth	88 0 0	61	1 June, "	Schoolmaster, Sydney Gaol.
Sir John C. Read, Bart.	372 4 5	68	1 Jan., "	Governor, Sydney Gaol.
Alexander L. Forbes.....	390 0 0	66	1 Nov., "	Examiner, Public Instruction.
Hannah Clarke	35 14 0	66	10 Mar., "	Nurse-in-charge, Hospital for the Insane, Parramatta.
Anna M. Rothe	45 18 0	51	1 May, "	Teacher, Public School, Burrundulla.
Patrick Vaughan	52 16 0	48	17 Mar., "	Senior Attendant, Hospital for Insane, Parramatta.
John Gardiner	471 17 0	65	1 Oct., "	Chief Examiner, Public Instruction.
Patience Henerie	21 13 0	42	1 Mar., "	Sewing-mistress, Public School, Glebe.
William Moxham	73 7 0	52	2 Nov., "	Senior Warder, Parramatta Gaol.
John F. Shrader	21 5 0	79	23 Aug., 1888	Messenger, Court-house, Newcastle.
Thomas Kelly.....	40 13 0	75	2 Oct., 1889	" Head Office, Department of Railways.
Peter Cook	22 3 0	70	2 June, "	Watchman, Traffic Branch, Railways.
James Scott	50 3 0	64	18 Jan., "	Driver, Railways.
Jesse Hannell	117 17 0	70	1 " "	Superintendent, Nobby's Lighthouse, Newcastle.
Joseph Bewes	71 8 0	69	1 July, "	Foreman, Railway Department.
Charles Cortley	45 8 0	58	1 Aug., "	Warder, Gaol, Yass.
James Slattery	45 3 0	57	1 " "	" Sydney Gaol.
W. C. Bennett ³	675 3 0	65	1 July, "	Commissioner and Engineer-in-Chief for Roads.
F. W. Cox	138 16 0	54	14 Aug., 1888	Station-master, Armidale.
John Duff	225 17 0	55	1 Oct., 1889	Chief Compiler, Government Statistician's Office.
F. B. Davidson	188 5 0	65	1 " "	Assistant Clerk of Petty Sessions, Water Police Office.
Walter Williams	40 10 0	78	2 July, "	Gatekeeper, Darling Harbour Railways.
William Chapman.....	48 2 0	55	1 Sept., "	Warder, Sydney Gaol.
Alfred Hinton	165 3 0	77	1 July, "	Clerk and Accountant, Marine Board.
Nicholas Luterich	71 16 0	48	1 " "	Coxswain, Marine Board.
Augustus Berney	360 4 0	57	1 Sept., "	Landing Surveyor, Customs.
Wm. Jas. Browne	135 8 0	64	1 " "	Sub-Collector, Customs, Grafton.

¹ Deceased, 25 April, 1889.² Deceased, 26 June, 1889.³ Deceased, 29 September, 1883.

RETURN OF PENSIONS GRANTED UNDER "CIVIL SERVICE ACT, 1884"—continued.

Name.	Amount of Pension	Age	Date from which the Pension commenced	Services for which the Pension was granted.
	£ s. d.			
James Coleman	79 0 0	59	1 Sept., 1889 ..	Coxswain, Customs, Newcastle.
Michael Fay	86 7 0	65	1 " " "	Locker, Customs.
Henry Ikin	154 0 0	72	1 " " "	"
John O'Donnell	110 8 0	56	1 " " "	"
Arthur J. Ormsby	303 7 0	62	1 " " "	Landing-waiter, Customs.
Wm. R. T. Passmore ..	255 0 0 ¹	64	1 " " "	"
Henry J. Rucker	293 7 0	68	1 " " "	Clerk, Customs
Robert Small	257 9 0	62	1 " " "	Cashier, Customs.
George O'Donnell	91 13 0	43	1 July, "	Chief Clerk, Government Stores Department.
Wm. D. Meares	364 11 0	66	1 Aug., "	Police Magistrate, Mudgee.
Henry Purton	185 5 0	57	4 Oct., "	Inspector, Permanent-way Department, Railways.
William Deitz	90 6 0	59	4 " " "	Foreman, " "
George Murdock	100 6 0	69	2 " " "	" " "
Andrew Moodie	147 13 0	63	2 " " "	Station-master, Marulan.
David Scotland ¹	112 18 0	63	28 Aug., "	" Windsor
John R. Thompson	105 7 0	44	2 Dec., "	Inspector of Station Accounts, Railway Department.
Gregory Board	102 19 0	48	2 Oct., "	Book-keeper, Electric Telegraph
John Ralph	26 7 0	53	1 Sept., "	Attendant, Hospital for Insane, Newcastle.
Donald Vernon	392 15 0	50	1 " " "	Secretary for Railways
M. H. Moriarty	322 6 0	46	1 Aug., "	Assistant Engineer, Harbours and Rivers Department
Caroline Brockenreg	30 12 0	60	1 Oct., "	Assistant Matron, Industrial School for Girls, Parramatta.
H. Roberts	68 10 0	64	24 " " "	Gatekeeper, Bathurst Railways.
Robert Jackson	34 0 0	61	1 Nov., "	Labourer, Ordnance Stores
J. B. Meldrum	193 14 0	69	19 Sept., "	Road Superintendent, Roads Department.
T. W. Waring	49 2 0	64	10 Aug., "	Clerk, Roads Department.
R. N. Macdiarmid ²	69 17 0	38	10 " " "	" Gaol, Biloea.
James Burns	163 4 0	62	31 Jan., 1890	Station-master, Muswellbrook.
Jos. M. Marsh	422 17 0	60	31 Dec., 1889	Stipendiary Magistrate, Water Police Court.
Joseph Jager	100 10 0	76	31 " " "	Inspector, Glebe Island Abattoirs.
W. V. Read	546 10 0	50	28 Feb., 1890	Traffic Manager, Railways.
Frederic Cane	127 7 0	70	31 Dec., 1889...	Superintendent, Hospital for Insane, Newcastle.
Elizabeth Cane	30 12 0	61	31 " " "	Matron, " "
George Woods	89 9 0	59	31 Jan., 1890 ..	Foreman Blacksmith, Tramways.
James Clarke	49 0 0	72	31 Dec., 1889...	Messenger, Public Works.
John M'Cormick	33 7 0	67	31 " " "	Cook, Hospital for Insane, Newcastle.
James Higgs	208 18 0	57	30 April, 1890	Station-master, Granville.
Edward Dowling	307 17 0	46	31 Dec., 1889	Assistant Superintendent, Technical Education.
James Graham	177 11 0	70	31 Jan., 1890	Signal-master, South Head.
J. W. Drewett	418 15 0	69	18 Mar., "	Assistant Engineer, Railways.
G. W. A. Bayley	174 8 0	64	18 " " "	Draftsman, Railways.
Geo. T. Blakers	72 14 0	61	31 Jan., 1890	Teacher, Public School, Broughton.
James Roche	71 15 0	58	9 Feb., 1890	Warder, Parramatta Gaol.
Joseph Mather	100 10 0	70	15 Nov., 1889	Engineer, Dredge "Hunter."
Ralph Richardson	106 15 0	61	31 Dec., "	Inspector, Tramways.
William Coles	466 13 0	68	31 Mar., 1890...	1st Clerk of Works, Colonial Architect.
John Lennox	120 19 0	61	1 Feb., "	Foreman Blacksmith, Railways.
Abraham Carpenter ..	97 7 0	61	1 April, "	Station-master, Hexham.
George Smith	74 2 0	60	1 Mar., "	Letter-carrier, General Post Office.
Thomas Evans	108 14 0	53	31 " " "	Carriage Examiner, Railways.
Henry H. Hunt	97 10 0	66	28 Feb., "	Teacher, Public School, Forbes.
John Baker	88 18 0	54	31 Mar., "	Carriage Examiner, Railways.
John Cobb	277 7 0	54	24 May, "	Locomotive Engineer, Railways.
Henry Mills	60 3 0	65	31 Mar., "	Teacher, Public School, Menangle.
Richard Crewes	50 5 0	64	31 Jan., "	Machinist, Railways.
Evan Hopkins	66 10 0	65	31 " " "	Blacksmith, "
Joseph Burrows	34 6 0	71	31 " " "	Labourer, "
John Molloy	55 9 0	53	31 Oct., 1889	Boatman, Marine Board.
George Scott	71 16 0	72	31 Jan., 1890 ..	" "
G. R. Lindman	56 11 0	61	31 " " "	" "
Joseph Jager (additional)...	22 1 0	76	31 Dec., 1889 ..	Inspector, Glebe Island Abattoirs.
Patrick Dwyer	149 2 0	58	17 June, 1890	Station-master, Uralla.
John Muir	109 8 0	61	1 Mar., 1890	" Tarana.
Stephen Pegum	69 10 0	47	31 " " "	Teacher, Public School, Islington.
A. P. Wood (additional) ..	40 17 0	46	30 June, 1889	Assistant Engineer, Roads
James Farquhar	49 15 0	80	10 Jan., 1890	Caretaker, Eveleigh Railways.

¹ Deceased, 5 January, 1890² Deceased

[6d.]

Sydney. Charles Potter, Government Printer—1890.

1890.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

—
CIVIL SERVICE SUPERANNUATION FUND.

(RECEIPTS AND DISBURSEMENTS ON ACCOUNT OF, &c.)

—
Ordered by the Legislative Assembly to be printed, 28 November, 1890.
 —

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 10th June, 1890, That there be laid upon the Table of this House,—

- “ (1.) The total receipts and disbursements on account of the Civil Service Superannuation Fund, from the 1st January, 1885, to the 31st December, 1889, distinguishing therein the various kinds of revenue and expenditure during each year of that period.
- “ (2.) The name of each individual pensioner paid out of the Civil Service Superannuation Fund.
- “ (3.) The service for which pension was granted.
- “ (4.) The date from which pension commenced.
- “ (5.) The date of retirement.
- “ (6.) The reason for retirement in each case in full detail.
- “ (7.) The age of each pensioner at date of retirement.
- “ (8.) The amount deducted from the pension of every officer who retired of his own free will from the Service as abatement, under the provisions of the Civil Service Superannuation Act.
- “ (9.) The amount transferred from the Consolidated Revenue Fund to meet the abatement which should have been deducted from the pension paid to each individual officer whose services have been dispensed with.
- “ (10.) The leave of absence granted to any officer immediately prior to his being required to retire from the Public Service.
- “ (11.) The reason assigned for such leave.
- “ (12.) The rate of remuneration paid during such leave.
- “ (13.) The amount of gratuity (if any) voted by Parliament to any officer who retired or was requested to retire upon a pension.”

(Mr. Kidd.)

(1.)—The Total Receipts and Disbursements on account of the Civil Service Superannuation Fund, from the 1st January, 1885, to the 31st December, 1889, distinguishing therein the various kinds of revenue and expenditure during each year of that period.

RECEIPTS.

Year.	4 per cent. deduction from salaries.	Transfer from Consolidated Revenue Fund, provided by section 52 of the Imperial Act, 18 and 19 Vic., cap. 54.	Government Endowment of £100,000.	Fines.	Refund of Gratuities.	Transfer from Consolidated Revenue Fund to meet abatements which should have been deducted from Pensions paid to Officers whose services have been dispensed with.	Transfer from Consolidated Revenue Fund to pay Gratuities to Officers not entitled to Pensions, and whose services have been dispensed with.	Interest on daily balances.	Total.
	£ s. d.	£	£	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1885.....	50,621 12 11	3,500	20,000	60 14 0	.....	.....	.....	1,746 1 1	75,928 8 0
1886 ...	63,642 1 0	3,500	20,000	63 13 6	.....	... ..	.....	4,876 19 8	92,082 14 2
1887.....	64,453 11 0	3,500	20,000	66 6 0	6 0 0	9,088 3 4	7,326 3 3	8,187 6 6	112,627 10 1
1888 ...	64,317 18 8	3,500	20,000	77 16 7	32 8 7	2,446 14 10	786 9 0	11,128 10 5	102,289 18 1
1889.....	64,325 9 6	3,500	20,000	75 16 7	1 4 0	14,778 16 5	13,088 8 3	13,209 17 10	128,979 12 7
							Total Receipts	.....	£ 511,908 2 11

EXPENDITURE.

Year.	Pensions under the Civil Service Act.	Pensions under the Constitution Act, Schedule B.	Gratuities under the Civil Service Act.	Refund of 4 per cent. deductions made in error.	Total.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1885	244 2 11	2,535 18 5	1,415 13 4	127 12 9	4,323 7 5
1886	2,792 18 4	2,825 6 7	5,426 8 11	116 3 1	11,160 16 11
1887	9,145 11 5	3,020 4 4	17,495 19 5	56 1 1	20,717 16 3
1888	22,004 15 0	3,481 7 10	10,449 4 3	2,194 0 5	38,129 7 6
1889	34,793 3 9	3,416 18 7	21,375 10 6	112 6 5	59,697 19 3
			Total Expenditure	.....	£ 143,029 7 4

Civil Service Board,
Sydney, 18th June, 1890.

Name.	Service for which Pension was granted.	Date from which the Pension commenced and date of Retirement.	Reason for Retirement.	Age.	Amount deducted from the Pension as abatement.	Amount paid by the Government to meet the abatement.	Amount of Pension.
					£ s. d.	£ s. d.	£ s. d.
Richard Hawkins	Public School Teacher, Prospect	31 Aug., 1886 ..	61 years of age.....	61	19 19 2	.....	92 4 0
William Langton	" " Riverstone	30 Sept., " ..	60 " "	60	" * .....	.....	109 7 6
Thomas Richards	Government Printer and Registrar of Copyright	1 Nov., " ..	Ill-health	55	69 4 8	.....	480 2 0
Edward Gosnell.....	Carriage-lifter, Railways	30 Sept., " ..	72 years of age.....	72	22 1 4	.....	36 12 0
W. W. Board	Public School Teacher, Druitt Town	31 Oct., " ..	64 " "	63	30 6 0	.....	74 13 0
Peter Ferguson	Engine-driver, Railways	25 Aug., " ..	Ill-health	59	17 9 4	.....	70 8 0
Locrum Tiddy	Public School Teacher, Hurstville	30 Sept., " ..	" " "	51	16 17 0	.....	75 4 0
John Sangster	1st Class Draftsman, Survey Office	1 Jan., 1887 ..	61 years of age	61	" * .....	.....	255 18 9
Edward Woodgate	Railway Station-master, Dubbo	1 " " ..	60 " "	60	26 4 10	.....	150 19 0
William E. Shaw	Post and Telegraph Master, Raymond Terrace	1 " " ..	72 " "	72	26 12 2	.....	84 7 0
Charles Watt	Government Analyst and Inspector of Kerosene	1 " " ..	65 " "	65	16 1 4	.....	118 2 0
James Booth	Teacher of the Public School, Yalwal	1 " " ..	Ill-health	59	" * .....	.....	43 19 3
John Jacob	" " " Third Creek	1 " " ..	60 years of age	60	12 4 9	.....	49 8 0
William Walker	Light-keeper, Clarence Heads, Marine Board	1 Feb., " ..	72 " "	72	20 18 3	.....	47 7 0
A. O. Grant	Police Magistrate, Bourke	1 Jan., " ..	Over 60 years of age	60	48 18 9	.....	215 15 0
M. M. G. Byrne	Matron, Roman Catholic Orphan School, Parramatta.....	1 Oct., 1886 ..	Abolition of office ..	47	12 18 8	.....	125 8 0
William Whalen	Watchman, Railway Department	15 " " ..	Over 60 years of age ..	63	14 8 0	.....	37 6 0
Mary A. Price	Teacher, Public School, Mount Murray	1 Jan., 1887 ..	Ill-health	46	" * .....	.....	31 15 3
William Groves	Attendant, Hospital for Insane, Parramatta	1 Feb., " ..	" " "	55	10 5 0	.....	52 8 0
Martin Fleming	" " " "	1 " " ..	" " "	49	6 11 6	.....	41 18 0
Thomas Carlisle	Traffic Auditor, Railway Department	1 May, " ..	Over 60 years of age	62	33 14 0	.....	163 15 0
Wm. Hunter	Compositor, Government Printing Office	1 March, " ..	" " "	66	31 7 1	.....	79 4 0
Robert Henderson	Attendant, Hospital for the Insane, Parramatta	13 Feb., " ..	" " "	62	9 4 6	.....	38 11 0
Thomas Fancourt	Warehousekeeper and Inspector of Warehouses, Customs	1 " " ..	" " "	68	75 12 4	.....	251 1 0
William Gilberthorpe	Acting 1st Class Warder, Darlinghurst Gaol	1 April, " ..	" " "	64	10 11 6	.....	37 2 0
Henry Goldsmith	School Attendance Officer, Department of Public Instruction ..	1 July, " ..	" " "	63	" †	150 6 0	109 6 0
Clement T. Rodd	Custodian of Plans, Surveyor-General's Office	1 Feb., " ..	Ill-health	43	8 8 6	.....	74 9 0
W. E. Plunkett	Under Secretary for Justice.....	23 Nov., " ..	" " "	57	.....	801 5 4	631 17 9
George R. Easton	Pilot, Marine Board	1 May, " ..	Over 60 years of age	71	40 12 1	.....	97 7 0
Charles B. Cuttriss	Post and Telegraph Master, King-street	1 " " ..	Ill-health	58	29 6 11	.....	174 17 0
John C. Browne	Teacher, Public School, Tirranna Creek	1 April, " ..	Over 60 years of age ..	62	16 18 11	.....	68 10 0
J. A. Read	Chief Clerk, Supreme Court	1 Jan., " ..	" " "	63	" * .....	.....	208 16 8
John Mills	Teacher, Public School, Blacktown	1 May, " ..	" " "	67	23 11 0	.....	54 3 0
Patrick O'Dwyer Moloney ..	School Attendance Officer, Department of Public Instruction ..	1 July, " ..	" " "	63	.....	176 12 2	125 6 8
John Wilson	" " " "	1 " " ..	" " "	64	.....	95 14 1	64 9 0
Wm. Beck	Landing-waiter, Customs	8 June, " ..	" " "	67	33 4 0	.....	167 0 0
Andrew Porter	Clerk, General Post Office	1 " " ..	Ill-health	45	13 4 10	.....	108 18 0
Benjamin Mawson	Head Porter, Railway Department.....	1 " " ..	Over 60 years of age ..	62	13 5 0	.....	44 9 0
James Reid	Sewer,	22 May, " ..	" " "	60	12 4 2	.....	36 0 0
Richard H. Crackanthorp ..	Clerk, General Post Office	6 " " ..	" " "	61	16 19 5	.....	85 5 0
John H. Emmett	Teacher, Public School, Forest Hill	1 July, " ..	" " "	63	9 8 0	.....	30 9 0
Henry Wheeler	Post and Telegraph Master, Muswellbrook	1 " " ..	" " "	85	48 0 5	.....	56 17 0
Thomas Williamson	Foreman Blacksmith, Fitzroy Dock	1 " " ..	" " "	64	14 1 7	.....	56 15 0
Philip Snape	Police Magistrate, Gulgong	1 " " ..	" " "	69	23 7 0	.....	88 13 0
George Lambert	Teacher, Public School, Gulgong	1 Sept., " ..	" " "	64	17 19 4	.....	54 8 0
James Scowcroft	Post and Telegraph Master, Redfern	9 June, " ..	" " "	69	41 13 7	.....	90 6 0
E. H. Tompson	Clerk of Petty Sessions, Wagga Wagga	1 July, " ..	" " "	68	37 14 3	.....	110 17 0

† Abatement paid by the pensioner by three annual instalments

Name.	Service for which the Pension was granted.	Date from which the Pension commenced and date of retirement.	Reason for Retirement.	Age.	Amount deducted from the Pension as abatement.	Amount paid by the Government to meet the abatement.	Amount of Pension.
					£ s. d.	£ s. d.	£ s. d.
H. A. Allan	1st Class Draftsman, Survey Office	1 July, 1887	Abolition of office	41	...	182 7 7	116 10 0
Edward Brown	Clerk, Lands Department	1 "	"	48	...	313 15 7	182 6 0
Michael Canty	1st Class Draftsman, Survey Office	1 "	"	36	...	152 10 3	124 9 0
D. H. Chisholm	Chief Draftsman, District Survey Office, Albury	1 "	"	42	...	225 1 6	200 10 0
John Davidson	1st Clerk, Survey Office	1 "	"	60	...	333 6 6	221 1 0
J. W. Ellis	Chief Draftsman, Survey Office	1 "	"	68	...	525 4 4	384 8 0
Thomas Evans	Accountant, "	1 "	"	42	...	248 10 3	168 18 0
Francis Gerard	Chief Draftsman, Occupation Branch, Lands	1 "	"	38	...	172 15 3	160 9 0
J. F. Goggin	1st Class Draftsman, Survey Office	1 "	"	46	...	262 3 10	189 7 0
W. A. B. Greaves	1st Class Surveyor, "	1 "	"	58	...	530 17 6	288 17 0
J. F. Landers	Secretary and Cashier, "	1 "	"	57	...	419 10 6	287 8 0
Thomas H. Lewis	1st Class Draftsman, "	1 "	"	58	...	567 8 11	393 4 0
George Long	" " "	1 "	"	77	...	233 7 8	164 15 0
William Macdonald	Clerk, Department of Lands	1 "	"	64	...	120 8 8	97 17 0
Charles E. Neate	" " "	1 "	"	58	...	272 19 10	197 18 0
Thomas E. L. Newman	" " "	1 "	"	39	...	129 10 7	97 2 0
Edmund Patterson	" " "	1 "	"	59	...	174 1 6	117 1 0
George W. Sharp	Lithographic Engraver, Department of Lands	1 "	"	55	...	217 10 4	115 6 0
John James Slade	2nd Class Draftsman, Survey Office	1 "	"	48	...	188 11 8	149 12 0
Edward Stack	Clerk, Survey Office	1 "	"	40	...	119 13 10	69 18 0
Thomas Stevens	1st Class Draftsman, Survey Office	1 "	"	48	...	297 10 3	211 2 0
Richard G. Underwood	Description Writer, "	1 "	"	47	...	163 2 6	127 12 0
Frank Williams	Clerk, Department of Lands	1 "	"	40	...	147 5 8	99 3 0
Francis B. W. Woolrych	Surveyor, "	1 Nov., "	"	61	...	338 13 0	208 11 0
James A. C. Willis	1st Class Draftsman, Survey Office	1 July, "	"	54	...	468 12 8	324 1 0
John Wiseman	Clerk in Charge, Local Land Board, Grafton	1 "	"	39	...	203 19 0	167 16 0
Malcolm Groat	School Attendance Officer, Department of Public Instruction	1 "	"	74	...	175 12 2	104 17 0
Patrick Downey	" " " " " "	1 "	"	61	...	111 15 4	77 12 0
George Turner	" " " " " "	1 "	"	61	...	150 7 0	106 13 0
Goodwin R. Packer	Chief Draftsman, Local Land Office, Grafton	1 May, "	Ill-health	37	11 7 6	...	150 10 0
William Ahearn	Boatman, Newcastle, Customs	1 Aug, "	"	58	10 6 0	...	38 15 0
Henry Schwartzkoff	Asst. Superintendent, Protestant Orphan School, Parramatta	1 Oct., 1886	Abolition of office	51	...	189 16 9	146 11 0
John S. Arnott	Post and Telegraph Master, Wickham	15 July, 1887	Ill-health	54	12 4 5	...	60 10 0
William Forde	Chief Clerk, Department of Public Works	1 Sept., "	"	49	24 10 0	...	253 18 0
John Ward Veitch	Attendant, Hospital for Insane, Parramatta	1 "	"	55	*	...	74 4 0
John Fitch	Engineer and Master Dredge "Gamma," Harbours and Rivers	1 "	Over 60 years of age	61	20 7 10	...	106 12 0
Roderick McGregor	Teacher, Public School, Cambewarra	11 Mar., 1886	Ill-health	47	11 18 0	...	80 10 0
John Eccles	Lithographic Printer, Lands Department	1 July, 1887	Abolition of office	62	...	312 9 9	180 10 0
W. Collis	Draftsman, "	1 Aug, "	"	33	...	101 7 4	92 14 0
W. H. Maybury	Sheriff's Officer, Goulburn	1 July, "	Over 60 years of age	72	35 6 0	...	81 12 0
Emanuel Lyne	School Attendance Officer, Department of Public Instruction	1 "	Abolition of office	66	...	122 8 3	78 10 0
Archibald Wilson	Stationary Engine-driver, Railways	1 "	Ill-health	55	13 13 6	...	65 16 0
William Chandler	Gatekeeper, Railway Department	16 "	Over 60 years of age	79	...	158 18 8	52 17 0
J. R. Neate	Clerk, Local Land Board, Albury	1 "	Abolition of office	56	...	193 13 2	133 16 0
John Swyny	Sub-Collector of Customs, Albury	1 Nov., 1888	Over 60 years of age	61	31 17 0	...	169 8 0
Anthony Charles Donelan	Locker, Customs	17 July, "	Ill-health	41	12 2 0	...	107 10 0
Louis Buchanan	Chief Clerk, Customs	31 Dec, "	Over 60 years of age	60	17 11 0	...	160 16 0
John Johnson	Carpenter, Dredge "Pluto," Harbours and Rivers Department	31 "	"	62	14 18 7	...	56 7 0

* Abatement paid by the Pensioner by three annual instalments.

Name.	Service for which the Pension was granted.	Date from which the Pension commenced, and date of Retirement.	Reason for Retirement	Age.	Amount deducted from the Pension as abatement	Amount paid by the Government to meet the abatement.	Amount of Pension.
Stephen W. Jones	Clerk of the Legislative Assembly	31 Dec, 1888	Over 60 years of age	62	£ s d. 84 6 8	£ s d.	£ s d. 549 0 0
R. D. Fitzgerald	Deputy Surveyor-General, Lands	1 " 1887	Abolition of office	56	.. .. .	678 11 3	553 11 0
William Nicoll	Carriage-builder, Railways	1 " "	Over 60 years of age	75	28 1 0	.. .. .	36 2 0
Alexander Anderson	Teacher, Public School, Gledswood	1 Oct, "	"	65	16 12 2	.. .. .	67 4 0
G. de Milhau	Postal Inspector, Post Office	1 Jan, 1888	Abolition of office	67	.. .. .	268 3 9	171 4 0
P. F. Adams	Surveyor-General	1 " "	"	59	.. .. .	937 8 9	579 15 0
R. A. Canter	Examiner of Accounts, Treasury	1 " "	Ill-health	50	21 9 4	.. .. .	212 10 0
William Austin	Attendant, Hospital for Insane, Parramatta	1 " "	"	55	7 9 0	.. .. .	40 10 0
William Dudding	Clerk of Petty Sessions, Singleton	1 Nov, 1887	Over 60 years of age	68	.. .. .	342 12 6	220 15 0
Henry Sims	Stamper and Sorter, General Post Office	1 Jan, 1888	"	70	23 7 0	.. .. .	70 7 0
Joseph Lewton	Inspector of Permanent-way, Railways	1 " "	"	61	34 10 9	.. .. .	153 8 0
Lawrence Rockliff	Teacher, Public School, New Lambton	1 " "	"	61	21 6 5	.. .. .	93 8 0
George C. James	School Attendance Officer, Public Instruction	1 July, 1887	Abolition of office	37	.. .. .	86 11 2	58 2 0
A. A. Turner	Police Magistrate, Wollongong	1 Jan, 1888	Over 60 years of age	61	41 15 3	.. .. .	277 2 0
Catherine Groberty	Public School Teacher, Clarvaulx	1 " "	"	60	13 1 0	.. .. .	63 14 0
James Duffy	Inspector, Railways	1 Mar, "	Ill-health	58	28 6 6	.. .. .	160 3 0
Michael J. Doyle	Public School Teacher, Manila	1 Aug, 1887	"	42	6 9 8	.. .. .	56 3 0
Adalbert Weber	Road Superintendent, Roads and Bridges	1 Jan., 1888	Over 60 years of age	64	.. .. .	352 7 2	211 11 0
E. R. Thomas	Draftsman, Railways	16 Mar, "	"	65	24 9 10	.. .. .	99 19 0
Obadiah Willans	Clerk of Petty Sessions, Queanbeyan	1 Jan, "	"	72	.. .. .	225 14 0	128 5 0
James Thomson	Chief Inspector and Consulting Accountant, Treasury	1 Mar., "	"	61	75 2 0	.. .. .	371 8 0
Reginald Hare	Police Magistrate, Wellington	1 Dec., 1887	"	75	37 16 0	.. .. .	102 12 0
Alexander Lumsdaine	Clerk of Petty Sessions, Newcastle	1 April, 1888	"	66	18 19 0	.. .. .	77 17 0
W. P. Clennett	Assistant Foreman Bookbinder, Government Printing Office	22 Feb, "	"	61	11 12 0	.. .. .	68 5 0
George Edwards	Teacher, Public School, Oakendale	1 Jan, "	"	66	8 14 9	.. .. .	36 10 0
William Matthews	" " Macquarie-street South	1 April, "	Ill-health	53	28 14 0	.. .. .	174 9 0
William Wilson	" " Boolong	1 Jan, "	Over 60 years of age	61	12 17 0	.. .. .	48 15 0
Emanuel Silva	1st Assistant Lightkeeper, Macquarie Lighthouse	1 Feb., "	"	80	24 1 8	.. .. .	46 13 0
Thomas Bryant	Foreman Blacksmith, Railways	1 May, "	"	61	28 13 3	.. .. .	129 18 0
J. P. Collier	Public School Teacher, Broke	1 April, "	"	64	20 3 7	.. .. .	78 3 0
John Dallas	Fettler, Railways	1 Jan., "	"	63	11 15 9	.. .. .	36 3 0
William J. Sydenham	Station-master, Rooty Hill, Railways	1 Mar., "	Ill-health	52	9 12 9	.. .. .	71 5 0
James Buchanan	Stipendiary Magistrate	1 Jan., "	Over 60 years of age	60	61 1 8	.. .. .	413 10 0
F. C. Liardet	Station-master, Railways	1 May, "	"	64	11 11 0	.. .. .	59 13 0
Walter D'Arrietta	Overseer, Government Printing Office	1 " "	Ill-health	58	33 11 0	.. .. .	226 9 0
John Donnellan	Attendant, Hospital for Insane, Parramatta	1 " "	"	58	9 3 4	.. .. .	43 8 0
Michael MacDermott	Locker, Customs	1 April "	"	59	33 4 4	.. .. .	126 11 0
Thomas Joyce	Warder, Sydney Gaol	1 May, "	"	51	7 17 2	.. .. .	40 4 0
William Robinson	Chief Clerk, Agent-General's Office	1 Oct., "	Over 60 years of age	69	18 8 0	.. .. .	131 10 0
Francis W. Hill	Superintendent and Controller, Money Order Office and Government Savings Bank	6 June, "	Ill-health	56	68 9 0	.. .. .	470 3 0
John Hollis	Inspector, Railways	1 " "	Over 60 years of age	66	30 14 6	.. .. .	122 11 0
Chas. M. Chapman	Public School Teacher, Luddenham	1 " "	"	71	24 7 0	.. .. .	75 8 0
Frederick M. Charteris	Deputy Registrar of Brands, Mines	1 Sept., "	"	65	24 1 5	.. .. .	102 7 0
G. J. Robinson	Clerk, Stock Branch, Mines	1 June, "	Ill-health	54	17 12 0	.. .. .	120 4 0
James Taylor	Pilot, Marine Board	1 Jan, "	"	55	28 8 0	.. .. .	148 16 0
Alfred Demison	Warder, Sydney Gaol	1 Aug., "	Over 60 years of age	61	18 11 0	.. .. .	44 14 0
W. H. Thompson	Postmaster, Newcastle	4 Oct., "	"	71	63 17 0	.. .. .	230 3 0
Robert Houslar	Pilot, Marine Board	1 Sept., "	"	64	18 19 3	.. .. .	75 10 0
Evan Richards	Sheriff's Officer and District Court Bailiff	1 April, "	"	67	25 15 8	.. .. .	104 11 0

Name.	Service for which the Pension was granted.	Date from which the Pension commenced, and date of Retirement.	Reason for Retirement.	Age.	Amount deducted from the Pension as abatement.	Amount paid by the Government to meet the abatement.	Amount of Pension.
					£ s. d.	£ s. d.	£ s. d.
William Stronge	Teacher, Public School, Picton	1 Aug., 1888 ..	Ill-health	58	19 8 3	.. .. .	91 1 0
Ellen Pownall	" " Rouse Hill	1 May, " ..	"	52	5 19 0	.. .. .	34 10 0
Jas. H. Wood	1st Class Surveyor, Lands	1 April, " ..	"	59	.. .. .	454 15 0	271 19 0
Harry Hare	Chief Draftsman, Lands Office, Cooma	9 July, " ..	Abolition of office	37	.. .. .	143 0 0	172 14 0
Lucy H. Hicks	Matron-Superintendent, Newington Asylum	1 Jan., 1889 ..	"	53	.. .. .	240 0 0	145 0 0
John Davis	Police Magistrate, Bega	1 Oct., 1888 ..	Over 60 years of age	70	35 4 6	.. .. .	142 18 0
Frederic King	Manager of Government Asylums for Infirm and Destitute	1 Jan., " ..	"	62	47 1 6	.. .. .	214 0 0
Constantine F. Bolton	District Surveyor, Lands	1 April, " ..	Abolition of office	48	.. .. .	401 15 8	309 5 0
Bridget Galbraith	Mistress, Public School, Waterloo	1 Oct., " ..	Ill-health	40	11 4 0	.. .. .	116 4 0
David Paterson	Teacher, Public School, Grantham	1 Jan., 1889 ..	Over 60 years of age	68	19 15 8	.. .. .	46 19 0
David Watson	Labourer, Ordnance and Barrack Department	1 Aug., 1888 ..	"	66	6 18 0	.. .. .	27 6 0
W. H. Bayly	School Attendance Officer, Grafton	1 Oct., " ..	Ill-health	46	12 6 6	.. .. .	86 6 0
M. Honora Henderson	Teacher, Public School, Norwood	1 Jan., 1889 ..	"	44	6 10 4	.. .. .	41 18 0
Alexander Halkett	Dredge-Master, Harbours and Rivers	8 Aug., 1888 ..	Over 60 years of age	65	17 11 0	.. .. .	75 6 0
W. T. Holland	Teacher, Public School, Burrangong Heights	1 Dec., " ..	"	66	33 12 4	.. .. .	70 4 0
John Boone	Driver, Railways	1 Oct., " ..	"	60	16 19 4	.. .. .	71 13 0
J. W. Delaney	Sheriff's Officer, Newcastle	17 Aug., " ..	Ill-health	56	18 12 7	.. .. .	113 11 0
J. W. Emblin	Postmaster, Armidale	1 Jan., 1889 ..	Over 60 years of age	63	32 18 8	.. .. .	168 16 0
George Bewick	District Engineer, Railways	21 Oct., 1888 ..	"	64	.. .. .	448 7 2	275 10 0
William Flood	Sub-Inspector, Railways	1 Dec., " ..	Ill-health	54	10 12 3	.. .. .	75 9 0
William Bradford	Senior Warder, Tamworth Gaol	1 Jan., 1889 ..	Over 60 years of age	60	9 18 0	.. .. .	55 14 0
John Kealey	School Attendance Officer, Department of Public Instruction	1 " " ..	"	61	17 0 0	.. .. .	86 12 0
Richard Youll	Teacher, Public School, Plattsburg	1 " " ..	"	63	23 19 0	.. .. .	153 11 0
Thomas H. Corcoran	" " Yatteyattah	1 " " ..	"	68	17 12 0	.. .. .	69 18 0
Robert Allen	Carpenter, Railways	2 " " ..	"	61	18 12 0	.. .. .	60 9 0
Richard Darby	Station-master, Mortuary	1 " " ..	"	73	.. .. .	227 8 7	152 18 0
John G. Bissett, sen.	" " Brewongle	1 " " ..	"	71	.. .. .	124 16 0	96 10 0
George Bonamy	" " Ashfield	1 Oct., 1888 ..	"	69	.. .. .	205 8 9	156 12 0
John Woodrow	Sub-Inspector, Railways	2 Mar., 1889 ..	"	61	14 8 0	.. .. .	74 9 0
Isabella Caldwell	Matron, Armidale Gaol	1 Jan., " ..	"	69	.. .. .	22 19 9	20 8 0
George W. Newcombe	Indexing Clerk, Colonial Secretary's Office	1 May, " ..	Abolition of office	59	.. .. .	357 11 0	183 15 0
Thomas Hollis	Sub-Inspector, Railways	1 Oct., 1888 ..	Over 60 years of age	69	16 7 0	.. .. .	63 5 0
G. H. Barney	Chief Inspector, Distilleries	1 July, 1889 ..	Abolition of office	60	.. .. .	506 7 8	412 17 0
E. O. Moriarty	Engineer-in-Chief, Harbours and Rivers	1 Jan., " ..	Services dispensed with	64	.. .. .	1,470 14 0	791 13 0
John Rae	Under Secretary for Public Works	1 April, 1888 ..	"	75	.. .. .	952 12 9	543 14 0
Thomas Boag	Locomotive Foreman, Railways	1 " 1889 ..	"	64	.. .. .	335 9 6	231 8 0
William Scott	Locomotive Engineer, Railways	1 Jan., " ..	"	62	.. .. .	514 0 8	443 7 0
Richard Godson	Chief Overseer, Parramatta Gaol	1 " " ..	"	74	.. .. .	190 16 0	109 7 6
Michael Wallace	Deputy Gaoler, Bathurst	1 " " ..	"	67	.. .. .	157 15 0	110 5 0
Henry Connell	Police Magistrate and Customs Officer, Kiama	1 " " ..	Over 60 years of age	60	56 13 4	.. .. .	342 0 0
Robert L. James	Landing Waiter, Customs	22 Oct., 1888 ..	"	61	34 12 0	.. .. .	135 1 0
Samuel N. South	Instrument Fitter, Telegraphs	1 Mar., 1889 ..	Ill health	54	10 3 0	.. .. .	84 18 0
George Simpson	Teacher, Public School, Bowra	1 Feb., " ..	Over 60 years of age	60	16 12 0	.. .. .	70 1 0
Thomas J. Moppett	Principal Ledger-keeper, Audit Department	1 July, " ..	Abolition of office	60	.. .. .	339 9 0	230 15 0
Drummond Gilchrist	Assistant Inspector of Accounts, Audit Department	1 April, " ..	"	68	.. .. .	280 7 0	250 9 0
James Grant	Shed Inspector, Railways	1 Jan., " ..	Over 60 years of age	60	26 17 0	.. .. .	131 17 0
Thomas De Courcy	Clerk, Railways	1 May, " ..	Services dispensed with	33	.. .. .	57 3 0	71 10 10
John P. Finegan	Examiner of Accounts, Railways	1 " " ..	"	35	125 13 4	153 6 4
Alice Forbes	Matron, Bathurst Gaol	10 Nov., 1888 ..	Ill-health	58	2 17 10	20 8 0

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Name	Service for which the Pension was granted.	Date from which the Pension commenced and date of Retirement	Reason for Retirement.	Age.	Amount deducted from the Pension as abatement.	Amount paid by the Government to meet the abatement.	Amount of Pension.
Cornelius C. Molony	Clerk, Railways	1 May, 1889	Services dispensed with	52	£ s. d.	£ s. d.	£ s. d.
Isidore C. Long	Teacher, Infants' School, Balmain	1 Mar, "	Ill-health	50	11 12 8	109 4 0	73 11 3
F. W. Vyner	Police Magistrate, Tumut	1 Jan, "	Services dispensed with	69	"	373 11 8	116 14 0
George Sutton	Examiner, Locomotive Branch, Railways	2 Feb., "	Over 60 years of age	67	13 8 6	"	181 18 5
Mary Jane Barry	Housemaid, Hospital for the Insane, Gladesville	1 May, "	Ill-health	52	5 3 3	"	47 1 0
John Higgs	Traffic Manager, G N Railway	1 Mar., "	Services dispensed with	59	"	411 8 11	29 0 0
John Mullamphy	Teacher, Public School, Duramana	1 June, "	Over 60 years of age	63	11 14 7	"	357 7 6
Woolfang Muller	Draftsman, Survey Office, Bourke	3 Oct., "	Services dispensed with	41	"	114 10 3	37 5 0
John Dunman	Teacher, Public School, Aberglasslyn	1 May, "	Ill-health	59	12 7 0	"	134 3 4
William Buckley	Carpenter, Railways	10 "	Over 60 years of age	77	30 14 4	"	51 7 0
Marmaduke Haggerty	Watchman, Fitzroy Dock	1 Jan., "	"	60	11 14 4	"	39 14 0
J. W. Williamson	Trades Overseer, Parramatta Gaol	25 July, "	"	64	16 14 9	"	40 7 0
Michael Seale	Chief Clerk, Audit Branch, Railways	2 June, "	Services dispensed with	40	"	150 17 7	88 4 0
Edward Higgs	Inspector, Traffic Branch, Railways	2 "	"	54	"	290 5 7	174 8 0
Hampton Slatyer	Clerk, Audit Branch, Railways	2 "	"	36	"	68 1 11	249 1 0
Shepherd Howarth	Issuer, Stores Branch, Railways	2 July, "	"	70	"	141 1 4	58 1 0
E. J. Bourne	Superintendent of Rolling Stock, Railways	2 "	"	66	"	307 9 10	67 13 4
Thomas Sirkett	Foreman, Stores, Railways	2 "	"	58	"	107 15 2	192 10 2
George Bingham	" Carriage Shop, Railways	2 "	"	49	"	200 9 8	89 3 0
A. Smthers	Clerk, Traffic Branch, Railways	2 "	"	45	"	51 15 1	160 17 0
George Betteridge	" " " "	2 "	"	41	"	60 2 8	38 19 0
William Docksey	Sub-Inspector, Existing Lines, Railways	2 "	"	52	"	125 14 5	42 17 0
Michael Brabstone	Overseer, Stores Branch, Railways	2 "	"	51	"	121 16 8	96 16 0
James E. Pickering	Clerk, Railways	2 "	"	30	"	53 1 9	78 13 0
Henry Fligg	Storekeeper, Newcastle, Railways	2 Oct., "	"	65	"	252 11 4	89 17 0
F. J. Kensett	Clerk, Traffic Branch, Railways	2 "	"	69	"	108 9 4	173 16 0
George T. Evans	Superintendent of Stores, Railways	2 "	"	40	"	178 13 4	95 17 0
L. P. Iredale	Record Clerk, Railways	2 Nov., "	"	45	"	160 7 10	190 0 0
John O. Wascoe	Clerk Stores, Railways	2 July, "	"	68	"	84 13 10	151 19 0
Thomas Hall	Teacher, Public School, Ghinni Ghinni	1 June, "	Over 60 years of age	63	11 8 0	"	64 16 0
G. P. Keon	Police Magistrate, Eden	1 Jan., "	Services dispensed with	68	"	604 10 0	44 8 0
James Starkey	Shed Inspector, Railways	17 "	Ill-health	51	11 8 3	"	378 0 0
Edgar Fuller	Public School Teacher, Colyton	1 July, "	Over 60 years of age	64	17 16 8	"	72 18 0
Alexander Forbes	Gaoler, Bathurst	10 Nov., 1888	Services dispensed with	63	"	160 19 0	72 0 0
Christopher Irvine	Cashier, Northern Line, Railways	1 " 1889	"	49	"	82 18 5	134 18 0
Samuell Caldwell	Gaoler, Armidale	1 Jan., "	"	77	"	154 17 7	94 4 0
A. P. Wood	Assistant Engineer, Roads	1 July, "	"	46	"	319 8 7	131 15 0
William Small	Superintendent, Trial Bay Prison	1 May, "	"	65	"	261 4 0	308 8 0
Annie Lynch	Mistress, Infant School, Wagga Wagga	1 July, "	Ill-health	32	4 5 0	"	284 15 0
Francis W. G. Forsyth	Schoolmaster, Sydney Gaol	1 June, "	Services dispensed with	61	"	91 16 0	60 10 0
Sir John C. Read, Bart.	Governor, Sydney Gaol	1 Jan, "	"	68	"	634 7 1	88 0 0
Alexander L. Forbes	Examiner, Public Instruction	1 Nov., "	Abolition of office	66	"	527 6 0	372 4 5
Hannah Clarke	Nurse-in-charge, Hospital for the Insane, Parramatta	10 Mar, "	Over 60 years of age	66	10 10 4	"	390 0 0
Anna M. Rothe	Teacher, Public School, Burrundulla	1 May, "	Ill-health	51	6 19 9	"	35 14 0
Patrick Vaughan	Senior Attendant, Hospital for Insane, Parramatta	17 Mar., "	"	48	8 3 0	"	45 18 0
John Gardner	Chief Examiner, Public Instruction	1 Oct., "	Abolition of office	65	"	679 2 5	52 16 0
Patience Henerie	Sewing-mistress, Public School, Glebe	1 Mar, "	Ill-health	42	3 12 6	"	471 17 0
William Moxham	Senior Warder, Parramatta Gaol	2 Nov., "	"	52	9 5 4	"	21 13 0
John F. Shrader	Messenger, Court-house, Newcastle	23 Aug, 1888	Over 60 years of age	79	"	32 16 0	73 7 0
							21 5 0

Name.	Services for which the Pension was granted	Date from which the Pension commenced, and Date of Retirement	Date of Retirement	Age.	Amount deducted from the Pension as abatement.	Amount paid by the Government to meet the abatement	Amount of Pension.
					£ s. d.	£ s. d.	£ s. d.
Thomas Kelly	Messenger, Head Office, Department of Railways	2 Oct., 1889	Over 60 years of age	75	.. ..	90 3 2	40 13 0
Peter Cook	Watchman, Traffic Branch, Railways	2 June, "	"	70	7 18 8	..	22 3 0
James Scott	Driver, Railways	18 Jan, "	"	64	13 18 5	..	50 3 0
Jesse Hannell	Superintendent, Nobby's Lighthouse, Newcastle	1 " "	"	70	37 3 0	..	117 17 0
Joseph Bewes	Foreman, Railway Department	1 July, "	"	69	22 1 0	..	71 8 0
Charles Costley	Warder, Gaol, Yass	1 Aug., "	Ill-health	58	8 18 10	..	45 8 0
James Slattery	" Sydney Gaol	1 " "	"	57	8 7 8	..	45 3 0
F. W. Cox	Station-master, Armidale	14 Aug., 1888	"	54	23 19 0	..	138 16 0
John Duff	Chief Compiler, Government Statistician's Office	1 Oct., 1889	Abolition of office	55	.. ..	239 12 1	225 17 0
F. B. Davidson	Assistant Clerk of Petty Sessions, Water Police Office	1 " "	Services dispensed with	65	.. ..	214 11 9	188 5 0
Walter Williams	Gatekeeper, Darling Harbour Railways	2 July, "	"	78	.. ..	72 3 6	40 10 0
William Chapman	Warder, Sydney Gaol	1 Sept., "	Ill health	55	8 14 0	..	48 2 0
Alfred Hinton	Clerk and Accountant, Marine Board	1 July, "	Services dispensed with	77	.. ..	276 12 6	165 3 0
Nicholas Luterich	Coxswain, Marine Board	1 " "	"	48	.. ..	117 10 4	71 16 0
Augustus Berney	Landing Surveyor, Customs	1 Sept., "	"	57	.. ..	546 11 8	360 4 0
Wm. Jas. Browne	Sub-Collector, Customs, Grafton	1 " "	"	64	.. ..	214 19 2	135 8 0
James Coleman	Coxswain, Customs, Newcastle	1 " "	"	59	.. ..	147 11 4	79 0 0
Michael Fay	Locker, Customs	1 " "	"	65	.. ..	141 18 9	86 7 0
Henry Ikin	"	1 " "	"	72	.. ..	205 19 6	154 0 0
John O'Donnell	"	1 " "	"	56	.. ..	190 2 6	110 8 0
Arthur J. Ormsby	Landing-waiter, Customs	1 " "	"	62	.. ..	423 8 0	303 7 0
Wm. R. T. Passmore	Clerk, Customs	1 " "	"	64	.. ..	380 3 3	255 0 0
Henry J. Rucker	Cashier, Customs	1 " "	"	68	.. ..	498 7 2	293 7 0
Robert Small	Cashier, Customs	1 " "	"	62	.. ..	272 0 0	257 9 0
George O'Donnell	Chief Clerk, Government Stores Department	1 July, "	Abolition of office	43	.. ..	107 6 2	91 13 0
Wm. D. Mearns	Police Magistrate, Mudgee	1 Aug., "	Over 60 years of age	66	.. ..	532 10 5	364 11 0
Henry Purton	Inspector, Permanent-way Department, Railways	4 Oct., "	Services dispensed with	57	.. ..	227 18 4	185 5 0
William Deitz	Foreman, " "	4 " "	"	59	.. ..	121 5 0	90 6 0
George Murdock	" " "	2 " "	"	69	.. ..	160 1 9	100 6 0
Andrew Moodie	Station-master, Marulan	2 " "	"	63	.. ..	235 0 11	147 13 0
John R. Thompson	Inspector of Station Accounts, Railway Department	2 Dec., "	"	44	.. ..	133 10 9	105 7 0
Gregory Board	Book-keeper, Electric Telegraph	2 Oct., "	Ill-health	48	9 10 10	..	102 19 0
John Ralph	Attendant, Hospital for Insane, Newcastle	1 Sept., "	"	53	5 9 0	..	26 7 0
Donald Vernon	Secretary for Railways	1 " "	Services dispensed with	50	.. ..	407 17 1	392 15 0
M. H. Moriarty	Assistant Engineer, Harbours and Rivers Department	1 Aug., "	"	46	.. ..	464 14 8	322 6 0
Caroline Brockenreg	Assistant Matron, Industrial School for Girls, Parramatta	1 Oct., "	Over 60 years of age	60	7 4 0	..	30 12 0
H. Roberts	Gatekeeper, Bathurst Railways	24 " "	Services dispensed with	64	.. ..	139 13 4	68 10 0
Robert Jackson	Labourer, Ordnance Stores	1 Nov., "	Over 60 years of age	64	7 7 0	..	34 0 0
J. B. Meldrum	Road Superintendent, Roads Department	19 Sept., "	Services dispensed with	69	.. ..	344 13 4	193 14 0
T. W. Warning	Clerk, Roads Department	10 Aug., "	"	64	.. ..	47 0 0	49 2 0

Civil Service Board,
Sydney, 18 June, 1890.

(10 to 13) The leave of absence granted to any officer immediately prior to his being required to retire from the Public Service; the reason assigned for such leave, the rate of remuneration paid during such leave; the amount of gratuity (if any) voted by Parliament to any officer who retired, or was requested to retire, upon a pension.

COLONIAL SECRETARY'S DEPARTMENT

Name of Officer	(10) The leave of absence granted immediately prior to being required to retire from the Public Service	(11) The reason assigned for such leave	(12) The rate of remuneration paid during such leave	(13) The amount of gratuity voted by Parliament to any officer who retired, or who was requested to retire, upon a pension	Remarks
George W. Newcombe	6 months	Office abolished	£300 per annum		

Government Statistician's Department

John Duff	6 months	A length of service of 25 years	£390 per annum		
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Medical Adviser to the Government

Dr W. E. Strong	12 months	20 years' service without leave of absence	£675 per annum		
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Forest Conservancy Branch.

W. Allen	Nil				
A. A. Daniel	3 months	In lieu of 3 months' notice	£20 per month		
T. M. Evans	3 "	" "	£17 10s per month		
F. M. C. Forster	3 "	" "	£12 18s 4d per month		
M. Meredith	3 "	" "	£20 per month		
H. S. Shadforth	3 "	" "	£17 1s 8d per month.		
J. Ward	3 "	" "	£13 6s 8d per month		
T. W. Wilson	3 "	" "	£17 10s. per month.		

TREASURY DEPARTMENT

James Thomson	8 weeks	2 weeks statutory leave, 6 weeks special leave	Full pay, £800 per annum.		
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Customs Department and Department of Distilleries and Refineries

George H. Barney	6 months	These officers were retired on the recommendation of the Public Service Inquiry Commission, and a payment of six months full salary as the equivalent of six months' leave of absence was granted to them	£725 per annum		
Robert Small	6 "		£550 "		
Henry J. Rucker	6 "		£440 "		
James N. Brown	6 "		£290 "		
Augustus Berney	6 "		£650 "		
Arthur J. Ormsby	6 "		£455 "		
William R. T. Passmore	6 "		£430 "		
Henry Ikin	6 "		£315 "		
John O'Donnell	6 "		£265 "		
Michael Fay	6 "		£240 "		
James Coleman	6 "		£144 "		
William J. Browne	6 "		£325 "		
Robert Blake	12 "		£550 "		
T. C. Jamison	12 "	£440 "			

Government Printer's Department.

Thomas Richards	Nil				
Walter D'Arrietta	12 months	Under section 40 C S Act, 1884	£200 (half pay)		
William P. Clennett	6 "	" "	£152 10s (half pay)		
Peter Buchanan	Nil	" "			
William Hunter	Nil	" "			

TREASURY DEPARTMENT—continued.

Railway Department.

Name of Officer.	(10) The leave of absence granted immediately prior to being required to retire from the Public Service.	(11) The reason assigned for such leave.	(12) The rate of remuneration paid during such leave.	(13) The amount of gratuity voted by Parliament to any officer who retired, or who was requested to retire, upon a pension.	Remarks.
Jno. P. Finegan	3 months	Compulsory retirement.	£415 per annum.	.....
Thos. De Courcy	3 "	" "	£220 "	.....
C. C. Molony	3 "	" "	£200 "	.....
Jno. Higgs	6 "	" "	£550 "	.....
Thomas Boad	6 "	" "	£490 "	.....
Ml. Seale	6 "	" "	£390 "	.....
H. Slatyer	3 "	" "	£220 "	.....
Geo. T. Evans	6 "	" "	£525 "	.....
Thomas Sirkett	3 "	" "	£250 "	.....
S. Howarth	3 "	" "	9/- per day .....	.....
Hy. Fligg	6 "	" "	£340 per annum.	.....
Jno. O. Wascoe	3 "	" "	£220 "	.....
Ed. J. Bourne	3 "	" "	£350 "	.....
Geo. Bingham	3 "	" "	£300 "	.....
F. J. Kensett	6 "	" "	£275 "	.....
Geo. Betteridge	3 "	" "	£165 "	.....
A. Smithers	3 "	" "	£150 "	.....
Ed. Higgs	6 "	" "	£460 "	.....
Wm. Scott	7 "	" "	£800 "	.....
Wm. Docksey	3 "	" "	£260 "	.....
D. Vernon	6 "	" "	£900 "	.....
L. P. Iredale	6 "	" "	£410 "	.....
J. E. Pickering	3 "	" "	£390 "	.....
M. Bratstone	3 "	" "	£156 "	.....
Chris. Irvine	6 "	" "	£340 "	.....
Jno. R. Thomson	6 "	" "	£320 "	.....
Thomas Kelly	3 "	" "	£2 2s. per week	.....
Jas. Burns	6 "	" "	£255 per annum.	.....
Hy. Purton	6 "	" "	£390 "	.....
Wm. Deitz	6 "	" "	£260 "	.....
Geo. Murdoch	3 "	" "	£230 "	.....
R. Richardson	6 "	" "	£285 "	.....
W. Williams	Nil .....	" "	.....	.....
A. Moodie	3 months	" "	£225 per annum.	.....
D. Scotland	6 "	" "	£270 "	.....
Geo. Bewick	6 "	" "	£550 "	.....
W. V. Read	6 "	" "	£1,000 "	.....
Jas. Higgs	6 "	" "	£325 "	.....
Rd. Darby	3 "	" "	£240 "	.....
John G. Bissett	3 "	" "	£225 "	.....
Geo. Bonamy	3 "	" "	£310 "	.....
Geo. Woods	3 "	" "	£230 "	.....
H. Roberts	Nil .....	" "	.....	.....
A. Carpenter	3 months	" "	£225 per annum.	.....
Jno. Lennox	6 "	" "	£335 "	.....
Jno. Cobb	6 "	" "	£430 "	.....
Jno. Baker	3 "	" "	12/- per day .....	.....
Thomas Evans	3 "	" "	14/8 "	.....
Rd. Crewes	Nil .....	" "	.....	.....
Jos. Burrows	Nil .....	" "	.....	.....
E. Hopkins	Nil .....	" "	.....	.....
Jas. J. Robertson	6 months	" "	£400 per annum.	.....
Pk. Dwyer	3 "	" "	£225 "	.....
Jas. Farquhar	Nil .....	" "	.....	.....
Sam Phelan	Nil .....	" "	.....	.....
Jno. Muir	3 months	" "	£225 per annum.	.....
Jas. M'Intosh	3 "	" "	11/- per day .....	.....
D. Fitzpatrick	6 "	" "	£350 per annum	.....
Geo. Cowdery	12 "	" "	£1,060 "	.....
Geo. Landers	6 "	" "	£440 "	.....

Government Store Department.

G. O'Donnell	6 months	In lieu of notice prior to compulsory retirement.	Full salary, at £240 per annum.
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Glebe Island Abattoir.

John Jager, Inspector	6 months	In lieu of notice prior to compulsory retirement.	Full salary, £265 per annum.
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Marine Board Department.

H. Tessier	Nil
J. Poole	Nil
G. R. Easton	Nil
R. Cork	6 months	On forced retirement from the Service.	Full pay, at £370 per annum.
H. Houslar	3 "	" "	Full pay, at £245 per annum.	.....

TREASURY DEPARTMENT—*continued.*Marine Board Department—*continued.*

Name of Officer.	(10) The leave of absence granted immediately prior to being required to retire from the Public Service.	(11) The reason assigned for such leave.	(12) The rate of remuneration paid during such leave.	(13) The amount of gratuity voted by Parliament to any officer who retired, or who was requested to retire, upon a pension.	Remarks.
W. Walker	Nil .....	.....	.....	.....
Jesse Hannell	Nil .....	.....	.....	.....
Alfred Hinton	6 months	On forced retirement from the Service.	Full pay, at £290 per annum.	.....
Nicholas Lukavich	6 " .....					" .....	Full pay, at £142 per annum.
John Molloy	6 "	"	Full pay, at £142 per annum.	.....

DEPARTMENT OF LANDS.

P. F. Adams	8 months	Leave granted to facilitate the reorganization of the Department.	£1,600 .....	.....
R. D. Fitzgerald	8 "		£1,060 .....	.....
J. W. Ellis	3 "		£700 .....	.....
T. H. Lewis	3 "		£650 .....	.....
C. F. Bolton	3 "		£650 .....	.....
J. A. C. Willis	3 "		£600 .....	.....
J. Sangster	Nil		60 years of age..	.....
A. J. Burnett	Nil		Ill health .....	.....
D. H. Chisholm	3 months		Reorganization..	£550	
J. F. Landers	3 "		"	£550	
A. Johnson .....	.....		60 years of age..	.....
T. Stevens	3 months		Leave granted to facilitate the reorganization of the Department.	£525 (full pay)..
G. R. Packer	3 "			£500
H. Hare	3 "			£500 "
W. Muller	6 "			Without pay
J. F. Goggin	3 "	£490 .....		.....
F. Gerard	3 "	£490 .....		.....
W. A. B. Greaves	3 "	£465 .....		.....
J. H. Wood	3 "	£465 .....		.....
M. Canty	3 "	£440 .....		.....
G. Long	3 "	£440 .....		.....
J. Davidson	3 "	£440 .....		.....
T. Evans	3 "	£440 .....		.....
J. Stack	5 "	Ill health		£395	
J. J. Slade	3 "	£350 .....		.....
W. Collis	Nil	Leave granted to facilitate the reorganization of the Department.	
R. G. Underwood	3 months		£350 .....	.....
J. C. Eccles	3 "		£340 .....	.....
G. W. Sharp	3 "		£340 .....	.....
H. A. Allen	3 "		£315 .....	.....
C. T. Rodd	6 "		£290 .....	.....
E. Stack	3 "		£240 .....	.....
E. Brown	3 "		£370 .....	.....
C. E. Neate	3 "		£420 .....	.....
J. Wiseman	3 "		£420 .....	.....
W. McDonald	3 "		£390 .....	.....
T. E. L. Newman	3 "		£340 .....	.....
E. Patterson	3 "		£340 .....	.....
J. R. Neate	3 "		£340 .....	.....
F. Williams	3 "		£290 .....	.....

PUBLIC WORKS DEPARTMENT.

James Clark	2 months	Physical infirmity; 2 months' leave of absence granted before retirement.	Full pay, £155 per annum, and allowance, £25 per annum.
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Harbours and Rivers Department.

E. O. Moriarty	6 months	Ill-health	Full pay, £1,200 per annum; allowance, £100 per annum.	£1,222 special allowance under clause 60 of the Civil Service Act.
M. H. Moriarty	6 "	Office abolished..	Full pay, £600 per annum; allowance, £50 per annum.	.....
Alex. Halkett	3 "	Ill-health	Full pay, £350 per annum.	.....
Jos. Mather	4 "	"	Full pay, £397 10s.	.....
Jas. Bissett	6 weeks	"	Full pay, £237 12s.	.....

PUBLIC WORKS DEPARTMENT—*continued.*

Roads and Bridges.

Name of Officer.	(10) The leave of absence granted immediately prior to being required to retire from the Public Service.	(11) The reason assigned for such leave.	(12) The rate of remuneration paid during such leave.	(13) The amount of gratuity voted by Parliament to any officer who retired, or who was requested to retire, upon a pension.	Remarks.
W. C. Bennett	Nil .....	.....	.....	£2,700 voted as a special grant for services as En- gineer-in-Chief for Sewerage.	
A. P. Wood	6 months	Ill-health	Full pay		
J. B. Meldrum	6 „	Long service	„		
A. Weber	3 „	„	„		
R. Donaldson	3 „	Ill-health	„		
F. C. Logan	6 „	„	„		
Thos. Hiles	3 „	„	„		
Thos. Waring	6 „	Long service	„		

Land Valuer.

(The Officers referred to were under the Railway Department.)

J. Byrnes*	6 months .....	.....	Full pay, £725 per annum.	.....
H. Greenland	Nil .....	.....	.....	.....

* Leave was granted at his own request, as he had no vacation during his previous ten years' service, and not with a view of retirement. He returned to duty at the expiration of such leave, but ill-health compelled him to retire from the Service shortly after resumption of duty.

Railway Construction Branch.

John Whitton	12 months	Ill-health	Full pay .....	.....
John Drewett	6 „	„ and long service.	„ .....	.....
G. W. A. Bayley	6 „ .....	„ „ .....	„ .....	.....
Geo. Jamieson	6 „	Ill-health .....	„ .....	.....
E. R. Thomas	6 weeks .....	„ .....	„ .....	.....
M. Russell	3 months .....	„ .....	„ .....	.....
	3 „	„	Without pay .....	.....

DEPARTMENT OF JUSTICE.

James Alex. Read*	6 months	30 years' service	Full salary, £440 per annum.	.....
Alexander O. Grant†	9 „	Ill-health	6 months on full salary, £550 per annum; 3 months on half salary.	.....
Philip Snape‡	1 month .....	.....	Full salary, £440 per annum.	.....
Obadiah Willans*	6 months	23 years' service	Full salary, £340 per annum.	.....
Reginald Hare*	6 „	Ill-health. 25 years' service.	Full salary, £390 per annum.	.....
Edwin H. Thompson§	6 „	23 years' service	Full salary, £340 per annum.	.....
Henry J. Bolding*	6 „	21 years' service	Full salary, £490 per annum.	.....
William E. Plunkett	8 „	Ill-health. 40 years' service.	Full salary, £960 per annum.	.....
J. W. Delaney	1 month	Ill-health	Full salary, £210 per annum.	.....
Francis B. Davidson|| .....	9 months	27 years' service	Full salary, £440 per annum.	.....
William D. Meares*	6 „	46 years' service	Full salary, £550 per annum.	.....
Sir J. C. Read*	3 „ .....	.....	Full salary, £575 per annum.	£400 (for services in Police Force).
Alexander Forbes*	3 „ .....	.....	Full salary, £300 per annum.	£200 (for services in Police Force).
Alice Forbes*	3 „ .....	.....	Full salary, £100 per annum.	.....
Michael Wallace*	3 „ .....	.....	Full salary, £183 per annum.	.....
R. Godson*	3 „ .....	.....	Full salary, £225 per annum.	.....
Samuel Caldwell*	3 „ .....	.....	Full salary, £240 per annum.	.....
Isabella Caldwell*	3 „ .....	.....	Full salary, £48 per annum.	.....
Francis W. G. Forsythe*	8 „	Ill health	Full salary, £240 per annum.	.....

* Entitled to leave under provisions of section 40 of "Civil Service Act, 1884." † Leave granted under provisions of section 39 of "Civil Service Act, 1884." Mr. Grant had been on leave eight months before being asked to retire. ‡ Entitled to leave under provisions of section 39 of "Civil Service Act, 1884." § Entitled to leave under provisions of section 40 of "Civil Service Act, 1884." Mr. Thompson had been on leave three months before being asked to retire. || Six months' leave granted in pursuance of provisions of section 40 of "Civil Service Act, 1884." Three months extension of leave granted in view of special circumstances (in connection with reorganization of office), under which retirement took effect.

DEPARTMENT OF PUBLIC INSTRUCTION.

Name of Officer	(10) The leave of absence granted immediately prior to being required to retire from the Public Service	(11) The reason assigned for such leave	(12) The rate of remuneration paid during such leave	(13) The amount of gratuity voted by Parliament to any officer who retired, or who was requested to retire, upon a pension	Remarks
J Gardner			£750 per annum	.	
A L Forbes	2 months	Length of service	£650	"	
A J Williamson	3	} Granted in consideration of enforced retirement (in accordance with the Minister's decision) for purposes of retrenchment	£265	"	
H Henry	3 "		£240	"	
G Petre	3 "		£200	"	
G Barnes	3 "		£130	"	
T Dadley	3 "		£315	"	
W H Ulargrie	3 "		£290	"	
D Duncan	3 "		£240	"	
T K Murthen	3 "		£240	"	
George Turner	3 "		£220	"	
Henry Goldsmith	3 "		£220	"	
Patrick Downey	3 "		£220	"	
Emanuel Lyne	3 "		£220	"	
Malcolm Groat	3 "		£220	"	
Patrick O D Moloney	3 "		£220	"	
John Wilson	3 "		£220	"	
Rowland T Sutton	3 "		£220	"	
Denis Dwyer	3 "		£220	"	
Edward Sharp	3 "		£220	"	
Henry S Carpenter	3 "		£220	"	
Frederick A H Cork	3 "		£220	"	
Alfred Asher	3 "		£220	"	
Walter R Curran	3 "		£220	"	
Henry Evans	3 "		£220	"	
Andrew M'George	3 "		£220	"	
Charles C Fagan	3 "		£220	"	
William Turner	3 "		£220	"	
Frederick J White	3 "		£220	"	
James C Thornton	3 "		£220	"	
William G Wilson	3 "	£220	"		
George Sanders	3 "	£170	"		
Charles C Walkinshaw	3 "	£170	"		
George C James	Nil				
Edward Dowling	Nil				
Henry Schwartzkoff	Nil				

DEPARTMENT OF MINES

T C Binny	2 months, from 29th Dec, 1886	Illness	£440 per annum	
F M Charteris	6 months, from 1st March, 1888	Old age	£260 "	
G J Robinson	Nil	"		

POST OFFICE

John S Arnott	79 days	Ill health	Full salary, £170 per annum	Nil
R H Crakantnorp	16 "		Full salary, £290 per annum	Nil
Gabriel De Milhau	23 "	Ill health	Full salary, £490 per annum	£270 to meet abatement on pension
J T Harrison	*7 months from 1st June, 1884	Mental infirmity	Full salary, £196 per annum.	Nil

*Being unfit for duty, remained absent until retirement on 1st December, 1885

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CIVIL SERVICE.

(AMALGAMATION OF OFFICES OF CLERK OF PETTY SESSIONS AND CROWN LANDS AGENT AT COONAMBLE.)

Ordered by the Legislative Assembly to be printed, 19 November, 1890.

RETURN to an *Order* of the Legislative Assembly of New South Wales, dated the 4th November, 1890, That there be laid upon the Table of this House,—

“Copies of all letters, papers, &c., in reference to the amalgamation of the
“Office of Clerk of Petty Sessions and Land Office, at Coonamble.”

(*Mr. Hassall, for Mr. Cass.*)

SCHEDULE.

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No. 1.

Telegram from The Acting Crown Lands Agent, Coonamble, to The Under Secretary of Justice.

9 January, 1889.

In event of vacancy occurring, respectfully apply for temporary appointment as Clerk of Petty Sessions, at a salary of £100 per annum, pending final arrangements.

Submitted.—A.C.F., 9/1/89.

The salary on Estimates of 1889 for C.P.S., Coonamble, is £220. If applicant within named were appointed the Department would save £120 per annum. This is a good arrangement, and should be approved.—W.C., 10/1/89.

The Minister's attention is drawn to the fact that the above arrangement would prevent Mr. O'Byrne's appointment to Coonamble.—A.C.F., 11/1/89. I cannot help it. Mr. O'Byrne could be sent temporarily and at once to Coonabarabran, as Mr. Edwards should be at once relieved.—W.C., 11/1/89.

810—

[870 copies—Approximate Cost of Printing (labour and material), £4 10s. 0d.]

No. 2.

No. 2.

The Crown Lands Agent, Coonamble, to The Under Secretary of Justice.

Sir,

Crown Lands Office, Coonamble, 2 April, 1889.

As I understand that a vacancy is now occurring through the transfer of Mr. A. T. Cochrane to Coonabarabran, I respectfully beg to apply for appointment as Clerk of Petty Sessions for the District of Coonamble, at a salary of £100 per annum, in addition to my present salary of £250 per annum received as Crown Lands Agent.

Although only recently appointed, I have been acting as Crown Lands Agent since December, 1886, and I have been in the Government Service since October, 1882. It will also be remembered that for seven weeks in April and May of 1888, during the absence on leave of Mr. Cochrane, I performed his duties in a manner which, I trust, met with your approval. I was enabled to obtain a fair estimate of the amount of work to be done in the two offices, and I feel confident, should you favourably consider this application, that I would be able to perform the duties both of Crown Lands Agent and Clerk of Petty Sessions, in a manner satisfactory to yourself and the Under Secretary for Lands, and also to the public. I would also be able to take over from Mr. Cochrane immediate charge of the office if necessary, pending the ultimate arrangements being made for the removal of the Lands Office to the Court-house.

I have, &c.,

GEORGE WHITFIELD,

C.L.A.

Submitted.—A.C.F., 5/4/89.

If this appointment could be effected the advantages to this Department would be considerable, being a saving of £120 per annum, and allowing of immediate completion. Mr. Cochrane is badly wanted at Coonabarabran.

I approve this application, and shall be glad to know whether Lands Department approve.—A.J.G., 8/4/89.

No. 3.

G. H. Reid, Esq., M.P., to The Minister of Justice.

My Dear Sir,

Wentworth Court, 4 April.

Mr. George Whitfield, C.L.A., Coonamble, is an applicant for position of C.P.S., also the two offices to be amalgamated. By such means a considerable saving could be made. Mr. Whitfield on one occasion acted as C.P.S. as well as C.L.A. during Mr. Cochrane's absence, and can do the work of both offices.

I think you will find that Mr. Whitfield bears a high character for efficiency and good conduct.

Yours, &c.,

G. H. REID.

May be acknowledged, and Mr. Reid informed matter will receive due consideration.—A.C.F., 6/4/89.

No. 4.

The Under Secretary of Justice to G. H. Reid, Esq., M.P.

Sir,

Department of Justice, Sydney, 8 April, 1889.

I have the honor to acknowledge the receipt of your letter of the 4th instant, in which you recommend Mr. George Whitfield, Crown Land Agent, Coonamble, for appointment as Clerk of Petty Sessions at that place, and to inform you that the same will receive due consideration.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

No. 5.

G. E. Cass, Esq., M.P., to The Minister of Justice.

Sir,

11 April, 1889.

I have been requested by the Municipal Council of Coonamble to strongly protest against the proposed amalgamation of the offices of Land Agent and Clerk of Petty Sessions at that place, as the Council inform me it will be utterly impossible for one officer to fill both offices without causing great inconvenience and injustice to the public.

I have, &c.,

G. E. CASS.

May be acknowledged.—A.J.G., 12/4/89. Submitted. Mr. Whitfield's nomination has already been approved by Lands Department and Civil Service Board. As Mr. Cochrane's services are urgently required at Coonabarabran, the settlement of this appointment is a matter of urgency.—A.C.F., 12/4/89.

Mr. Cass may be informed that this matter has been fully dealt with by the offices being amalgamated prior to receipt of his letter.—A.J.G., 15/4/89. Prepare minutes for Executive Council for appointment of Mr. Whitfield as Clerk of Petty Sessions, &c., 18/4/89.

No. 6.

Telegram from The Council Clerk, Coonamble, to The Minister of Justice.

11 April, 1889.

On behalf of the public this Council protests against proposed amalgamation of offices of Land Agent and Clerk of Petty Sessions; great inconvenience and injustice must result if only one officer acts.

No. 7.

3

No. 7.

The Under Secretary for Lands to The Under Secretary of Justice.

Sir, Department of Lands, Sydney, 11 April, 1889.
 In reply to your blank cover communication of the 9th instant, (89-4,016), I am directed by the Secretary for Lands to inform you that, so far as this Department is concerned, there is no objection to Mr. George Whitfield, Crown Lands Agent at Coonamble, acting as Clerk of Petty Sessions, &c., at that place.

I have, &c.,
 W. H. CAPPER
 (For the Under Secretary).

May be placed with papers *re* Mr. Whitfield's appointment, 12/4/89.

No. 8.

Minute from The Under Secretary of Justice to The Civil Service Board.

Minute Paper.

Subject:—Appointment of Mr. George Whitfield as Clerk of Petty Sessions at Coonamble, *vice* Cochrane, promoted.

THE office of Clerk of Petty Sessions at Coonamble having become vacant by the promotion of Mr. A. T. Cochrane, I recommend that Mr. George Whitfield, Crown Land Agent at Coonamble, (salary £250 per annum), be appointed Clerk of Petty Sessions also at that place, *vice* Cochrane, with salary at the rate of £100 per annum, from the 1st.

By this amalgamations of the offices of Clerk of Petty Sessions and Crown Lands Agent at Coonamble an annual saving to this Department of £120 will be effected.

Mr. Whitfield has been in the Government Service since 1882, and on one occasion performed the duties of the Clerk of Petty Sessions at Coonamble during that officer's absence on leave.

ARCH. C. FRASER,
 Under Secretary.

B.C., 11/4/89.

P.S.—The Lands Department has verbally concurred in the above appointment, and has intimated that an official letter notifying such concurrence will be forwarded in due course.

The Civil Service Board concur.—E.G.W.P. The Under Secretary for Justice, B.C.; 11/4/89.

No. 9.

The Under Secretary of Justice to G. E. Cass, Esq., M.P.

Sir, Department of Justice, Sydney, 15 April, 1889.
 Referring to your letter of the 11th instant, protesting on behalf of the Coonamble Municipal Council, against the proposed amalgamation of offices of Crown Lands Agent and Clerk of Petty Sessions at that place, I have the honor, by direction of the Minister of Justice, to inform you that this matter had been fully dealt with by the offices being amalgamated prior to the receipt of your letter.

I have, &c.,
 ARCH. C. FRASER,
 Under Secretary.

No. 10.

Minute of The Minister of Justice for The Executive Council.

Subject:—Appointment of Mr. George Whitfield as Clerk of Petty Sessions at Coonamble.

Department of Justice, Sydney, 18 April, 1889.
 I RECOMMEND, with the concurrence of the Civil Service Board, that Mr. George Whitfield, Crown Lands Agent at Coonamble, be appointed Clerk of Petty Sessions also at that place, *vice* Cochrane, promoted, with salary at the rate of £100 per annum, from the 1st proximo.

ALBERT J. GOULD.

His Excellency the Governor and the Executive Council.

The Executive Council advise that the appointment herein recommended be approved.—ALEX. C. BUDGE, Clerk of the Council. Min. 89-28, 24/4/89. Approved.—CARRINGTON, 24/4/89. Confirmed, 30/4/89.

Mr. G. Whitfield, Bench of Magistrates (Coonamble), His Honor Mr. District-Court Judge Backhouse, the Under Secretary for Finance and Trade, the Curator of Intestate Estates, the Registrar-General, the Secretary to the Civil Service Board, and Clerk of the Peace informed of appointment, 2/5/89. *Gazette* Notice, 3/5/89.

No. 11.

The Council Clerk, Coonamble, to The Minister of Justice.

Sir, Municipal Council Chambers, Coonamble, 26 April, 1889.
 On 11th instant I had the honor, by direction of my Council, to forward to you the following telegram, which I now beg to confirm, viz.:—“On behalf of public this Council protests against proposed amalgamation of offices of Lands Agent and Clerk of Petty Sessions. Great inconvenience and injustice to public must result if only one officer acts.” At

At a meeting of my Council, held on Tuesday, 23rd instant, the following resolution was unanimously passed, viz.:—"That the Honorable the Minister for Justice be written to, protesting further against the amalgamation of the offices of Crown Lands Agent and Clerk of Petty Sessions." I am therefore instructed to inform you, Sir, that it is utterly impossible for one officer to conduct both offices with any justice to either himself or the public. It often occurs that the Clerk of Petty Sessions is occupied for whole days in the Police Court writing depositions, and the business of the Lands Department must be at a standstill. Further, it has several times occurred that a Land Court was being held, at which the attendance of the Crown Lands Agent was necessary. At the same time a Police Court was being held, at which that officer would be required to take depositions. Now, Sir, as one officer could not be in both Courts at one and the same time, either the business of the Land Court must wait for his attendance or that of the Police Court, which is also important.

The Clerk of Petty Sessions here holds the position of Registrar of the District Court. Should such Court, as is quite likely, be held (say) on Thursday, which is the only day in the week the public can apply for a free selection. How can one officer attend to both these duties? Are the persons (who in this Coonamble Land District are so numerous) applying for a selection on this day, and who have to travel many miles, to be told that their applications cannot be received, as the Crown Lands Agent is engaged in the District Court?

I now think, Sir, that you will see that this proposed amalgamation of office is not to the benefit of either the Justice or Lands Department, and much less so to the public generally; and as so much inconvenience must arise, to let two officers be appointed and keep the business of the two Departments separate as formerly.

I have, &c.,

W. H. AUBREY,
Council Clerk.

Submitted.—A.C.F., 1/5/89. Resubmit with other papers when returned from Executive Council.—A.J.G., 2/5/89. Previous papers resubmitted in accordance with Minister's minute hereon of 2nd May, 1889.—A.C.F., 13/5/89. Receipt of this letter may be acknowledged, and writer informed that it is thought the duties of the amalgamated offices can be performed by the one officer, and that pending a trial it is not thought desirable to reopen the matter.—A.J.G., 13/5/89. Council Clerk, 14/5/89.

No. 12.

Minute of The Minister of Justice for The Executive Council.

Subject:—Appointment of Mr. George Whitfield as Registrar of the District Court at Coonamble.

Department of Justice, Sydney, 3 May, 1889.

I RECOMMEND that Mr. George Whitfield, Clerk of Petty Sessions, &c., at Coonamble, be appointed Registrar of the District Court at that place, *vice* Cochrane, promoted, such appointment to take effect from the 1st instant.

ALBERT J. GOULD.

His Excellency the Governor and the Executive Council.

The Executive Council advise that the appointment herein recommended, be approved.—ALEX. C. BUDGE, Clerk of the Council. Min. 39-30, 7/5/89. Approved.—CARRINGTON, 7/5/89. Confirmed 14/5/89. Gazetted, 17/5/82.

No. 13.

The Clerk of Petty Sessions, &c., Coonamble, to The Under Secretary of Justice.

Sir,

Court-house, Coonamble, 13 May, 1889.

I have the honor to acknowledge receipt on the 6th instant of your letter of the 2nd *idem*, No. 89-5,573, advising me of my appointment as Clerk of Petty Sessions for this district, and have to thank you for this kind expression of your confidence in my ability to perform the duties of this office, in addition to those of Crown Lands Agent, and I would again assure you that I am thoroughly confident that I can perform both duties with satisfaction to yourself and to the public.

Upon receipt of your letter above referred to, I relieved Mr. Cochrane, and took charge of the office, but as he seemed to doubt the permanency of my present occupation of the office, I sent you a telegram asking whether it was intended that I should permanently relieve him, thus enabling him to proceed to Coonabarabran upon the expiration of his leave; and not having received a reply I concluded that such was your intention, and, consequently, I still retain charge of the office, and will do so unless otherwise instructed by you.

I would respectfully point out that my appointment as Registrar of the District Court has not been made, but I have been acting as such, and performing all the necessary duties, and I trust that my appointment to that office can be made to coincide with my appointment as Clerk of Petty Sessions.

I have, &c.,

GEORGE WHITFIELD,
Clerk of Petty Sessions.

Submitted.

Mr. Whitfield has been advised by wire that his appointment as Registrar of the District Court is confirmed, and dates from 1st instant as desired, action has now been completed on papers.—A.C.F., 16/5/89.

All necessary action has now been taken in this case, and papers may be put by.—A.C.F., 18/5/89. Yes.—A.J.G., 20/5/89.

No. 14.

The Under Secretary of Justice to The Council Clerk, Coonamble.

Sir, Department of Justice, Sydney, 14 May, 1889.

Referring to your communication of the 26th ultimo, forwarding copy of resolution of the Municipal Council of Coonamble, protesting against the amalgamation of the offices of Clerk of Petty Sessions and Crown Lands Agent at that place, I have the honor, by direction of the Minister of Justice, to inform you that it is considered that the duties of the amalgamated offices can be performed by one officer, and that, pending a trial, it is not thought desirable to reopen the matter.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 15.

The Council Clerk, Coonamble, to G. E. Cass, Esq., M.P.

Sir, Municipal Council Chambers, Coonamble, 23 June, 1889.

I have the honor, by direction of the Council, to forward you enclosed herewith the petition of the residents of this town and district against the amalgamation of the offices of Crown Lands Agent and Clerk of Petty Sessions, which you will please present to the Honorable the Minister of Justice, at your earliest convenience.

Although the amalgamation is now an accomplished fact, and a communication has been received by this Council from the Department of Justice that a trial would be given, it is the wish of those who signed the petition that it be presented to show that such amalgamation is not in accordance with the popular wish, and that great inconvenience must arise in the transaction of public business with these offices.

I have, &c.,
W. H. AUBREY,
Council Clerk.

[Enclosure.]

To the Honorable the Minister of Justice,—
The Petition of the Residents of Coonamble,—
HUMBLY SHOWETH :

1. That they have been informed that it is the intention of the Government to appoint the Crown Lands Agent at Coonamble to act also as Clerk of Petty Sessions there.

2. For some years past there have been both a Crown Lands Agent and Clerk of Petty Sessions at Coonamble; and, until lately, both these officers had an assistant.

3. There is a considerable amount of work transacted in Coonamble, in both of the above-mentioned departments, so much so that at times the officers have to work at night.

4. The Municipal District of Coonamble contains about 1,400 inhabitants, and the Land Court and Police District cover about 100 square miles.

5. The revenue derived from the district for the last year from the undermentioned offices is as follows :—

Land Office.....	20,000	(About.)
District Court.....	1,700	{ This amount is exclusive of all suitors' causes and transactions.
Petty Sessions.....		
	£21,700	

6. We, your petitioners, feel confident that the positions of Crown Land Agent and Clerk of Petty Sessions cannot be properly fulfilled by one person with justice to the public, for the following reasons, namely, That Thursday, being the day for selecting land, is always a busy day at the Land Office in Coonamble, and consequently on that day the Crown Lands Agent would not have time to attend to other duties; that the business of the Land Office could not be properly attended to during the time the District Court and Quarter Sessions are held in Coonamble; that the Land Board hold a Court in Coonamble once a month, and at that time the duties of the Clerk of Petty Sessions would be neglected; that the duties of Clerk of Petty Sessions and Registrar of the District Court in Coonamble are as much as one officer can attend to with justice to the public.

7. Your Petitioners respectfully draw your attention to the importance and population of this district, and submit that it would be a case of great injustice and inconvenience to the public if one person were appointed to fill the two important offices of Crown Lands Agent and Clerk of Petty Sessions in Coonamble.

Your Petitioners, therefore, humbly pray that you will take into serious consideration the above facts, and will grant their petition by not appointing the Crown Lands Agent in Coonamble to act also as Clerk of Petty Sessions in that town.

And your Petitioners, as in duty bound, will ever pray, &c., &c., &c.
[Here follow 107 signatures.]

Submitted.—A.C.F., 28/6/89. This petition may be referred to Land Agent at Coonamble for report' although I do not think there are any grounds for complaint.—A.J.G., 3/7/89. The Clerk of Petty Sessions, &c., Coonamble.—T.E.M.N. (for U.S.), B.C., 4/7/89. Reported upon by letter of this date.—GEORGE WHITFIELD, C.L.A., Coonamble, 22/7/89.

No. 16.

The Clerk of Petty Sessions, &c., Coonamble, to The Under Secretary of Justice.

Sir, Court-house, Coonamble, 22 July, 1889.

In accordance with your B.C. instructions of the 4th instant, I have the honor to report, with reference to the petition from residents of Coonamble against amalgamation of the offices of Crown Lands Agent and Clerk of Petty Sessions, that many of the statements made therein are misleading and hardly in accordance with facts; for instance, it is more than three years since the Land Agent here had an assistant, and I have never had to work at night-time except for a week at the end of March. Thursday is not always a busy day. The average number of selections made during the past three years has been about two per week, to receive which might occupy about half-an-hour; and, further, when the Land Court is being held, my attendance is not required and my services are at the disposal of the public.

I would point out that about 75 per cent. of those who signed the petition have no knowledge whatever of the amount of work to be done, and have no business dealings with either the Land Office or the Clerk of Petty Sessions Office, and, further, the substance of the petition is to the effect that great inconvenience

inconvenience will arise to the public. I can only say that since the Land Office has been removed to the Court-house there has been no public inconvenience up to the present time. As a matter of fact, the increased convenience to the public caused by the amalgamation of the offices was much appreciated by all who attended the last Land Court here.

I am also glad to be able to inform you that a very small percentage of those who signed the petition have ever transacted business with me as Land Agent.

When I applied to you for the appointment as Clerk of Petty Sessions, I felt confident, and so expressed myself, of my ability to perform the duties with satisfaction to yourself and to the public, and now, as I become more acquainted with the routine and requirements of the office, I feel more confident of my ability to do the work.

During my tenure of office as Crown Lands Agent I have always endeavoured to study the public convenience, and it was my intention to obtain when necessary, at my own expense, temporary clerical assistance; but I understand that Mr. A. B. C. Burke has been appointed as a probationer in this office, and consequently all possible grounds of complaint are now removed. I will make Mr. Burke an efficient officer, and those transacting business in either office will at all times find that the amalgamation has considerably increased the public convenience, although the fact will never be admitted by the tradespeople of the town.

I am glad to be able to state that the Secretary for Lands, under whose control I have been for nearly seven years, has confidence in my ability to perform the work of the two offices, as will be seen from the copy of a letter which I now forward for your information, and I will endeavour to prove to you in the future by my conduct of the two offices that the confidence you have bestowed upon me has not been misplaced.

I have, &c.,

GEORGE WHITFIELD,

Clerk of Petty Sessions and Crown Lands Agent.

Submitted.—A.C.F., 25/7/89.

Mr. Cass may be informed that it has been ascertained that no inconvenience has been caused by the amalgamation of the offices of Clerk of Petty Sessions and Crown Lands Agent, and moreover that the business transacted at Coonamble neither calls for nor would justify the separation of these offices.—A.J.G., 26/7/89.

Mr. Cass informed, 29/7/89.

[Enclosure.]

Sir,

Department of Lands, Sydney, 14 June, 1889.

Referring to your letter of 11th April last, protesting on behalf of the Municipal Council of Coonamble against the amalgamation at that place of the positions of Clerk of Petty Sessions and Crown Lands Agent, I am directed by the Secretary for Lands to inform you that Mr. Whitfield (the officer holding these two offices) is competent to perform the duties of the combined offices, now that the whole of the work is conducted in the Court-house premises.

I have, &c.,

H. CURRY

(For the Under Secretary).

G. E. Cass, Esq., M.P., Legislative Assembly, Sydney.

No. 17.

The Under Secretary of Justice to G. E. Cass, Esq., M.P.

Sir,

Department of Justice, Sydney, 29 July, 1889.

Referring to a petition presented at this Department by yourself and Messrs. W. Alison and W. C. A'Beckett, M's.P., on behalf of the residents of Coonamble, respecting the amalgamation of the offices of Clerk of Petty Sessions and Crown Lands Agent at that place, I am directed by the Minister of Justice to inform you that inquiries having been made, it has been ascertained that no inconvenience has been caused by the amalgamation of the offices referred to, and moreover that the business transacted at Coonamble neither calls for nor would justify the separation of these offices.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PUBLIC SERVICE INQUIRY COMMISSION.

(REPORT OF, UPON GENERAL POST OFFICE, MONEY ORDER OFFICE, AND THE ELECTRIC TELEGRAPH DEPARTMENT, WITH APPENDIX THERETO.)

Ordered by the Legislative Assembly to be printed, 12 November, 1890.

To His Excellency the Right Honorable CHARLES ROBERT, BARON CARRINGTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, a Member of Her Majesty's Most Honorable Privy Council, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies :

YOUR LORDSHIP,—

Your Commissioners entered on their investigation in reference to the administration of the General Post Office on Wednesday, September 11th, 1889, and, in accordance with the method pursued by them in other Public Departments, they first examined the Secretary to the Post Office, and also the Superintendent of Electric Telegraph Department and the Comptroller of the Money Order Office, together with the Assistant Secretary of the Post Office and the Assistant Superintendent of Telegraphs.

The examinations of these officers, together with the Annual Reports of the Postmaster-General and other returns furnished, enabled your Commissioners to form an idea of the systems under which the three branches of the Department are managed and controlled.

It was then decided to leave the consideration of the Telegraph Department and Money Order Office and take up in the first instance the investigation in detail of the various branches of the Post Office itself.

With this end in view, the Commissioners obtained the use of a room in the General Post Office, and having been furnished with a printed schedule of all the officers and employes, they called in the responsible officers in charge of each room, and examined them as to the possibility of introducing improved methods of dealing with the business of their respective rooms and of ensuring greater efficiency and economy of administration.

The staff of the Head Office of the Post Office, as shown by the schedule, numbers—Officers, 107; Letter-sorters, 30; Letter-carriers, 95; Messengers, 12; Stampers and Sorters, 41; Mail-guards, 13; Mail-boys, 36; Temporary Clerks, Temporary Sorters, Mail-cart Drivers, Porters, Cleaners, and others, 65; making up a total of 399.

It

It seemed difficult at first to understand what possible need there could be for such a large number of clerks in addition to all the letter-sorters and carriers, and when it was shown that the business of the Post Office was carried on at a loss in 1888 of £79,470, and in 1889 of £32,736, or, including the Telegraphs and Money Order Office, of £129,277 in 1888, and of £104,890 in 1889 (these figures are exclusive of interest on capital value of public buildings used by the Department), there appeared to be scope for some proposals in the direction of a more economic administration.

It was pointed out, however, by the Heads of the Department that the great cost and the large staff was a necessity arising from the rapid development of postal communication, both foreign and inland, and the multiplication of mails to Europe, America, and India, and also of the intercolonial mails, all of which are despatched with increasing frequency.

There are in the suburban and country districts 330 official and 930 non-official postmasters, and to carry the mails from place to place there are about 700 contractors, although so far as the railway extends the mails are carried by train in care of special mail guards. Some of the principal country post-offices, such as Albury, Goulburn, and Bathurst, have a staff of from 9 to 14 employes.

The business of the Head Office is distributed between 24 branches, viz. :—

	Staff.
1. Secretary and Assistant Secretary.	6
2. B. Division—Record Branch	4
3. Correspondence Branch	5
4. Inland Mail Branch	9
5. Appointment Branch	4
6. Store Branch	9
7. Messengers	14
8. C. and D. Division—Missing Letter and Irregularity Branch	14
9. Account Branch	8
10. Cash Branch	3
11. Postal Inspectors	2
12. Mail Branch	145
13. Receiving Room	18
14. Delivery Room	13
15. Registry Room	9
16. Dead Letter Office	3
17. Record Room	68
18. Despatch Room	9
19. Foreign Despatch Room	4
20. Stamp Sales Office	1
21. Inquiry Office	2
22. Superintendent's Room	2
23. Parcel Room	32
24. Miscellaneous	

THE RECORD BRANCH, B DIVISION.

Staff, 6.

Deals with 17,421 letters per annum, relating to the improvement, extension, and changes in the Postal, Telegraphic, Money Order, and Government Savings Bank services, including all appointments of officials, changes of time-tables, Parliamentary matters, ocean mail, inland mail, and other contracts, correspondence and conventions with foreign countries, the erection and repair of Government buildings used as post-offices, leasing and fitting up of premises used as post-offices. It was thought that some of the papers were recorded with too much elaboration, and that time and labour might be economised, especially in regard to Register E, which contains applications for employment. The system adopted at present is to enter in the Record Book every application, with registered number, giving in columns date of application, name, address, name of person recommending applicant, and other details. To this Record Book there is an index under the name of the applicant only. In a second book there is a classified record under the headings of clerks, letter-sorters, stampers and sorters, mail-guards and mail-boys, and also of persons applying

applying for appointment in the Telegraph and Money Order Office, and for miscellaneous appointments. Rough books are also kept containing lists of applicants in each class.

The number of documents recorded in the branch in 1889 was 17,421.

Your Commissioners consider that the simplest possible registration of these applications is all that is necessary, as they can be classified and filed away till required for reference, and when action has been taken upon any application it can then have proper record as being the first step in the official history of the person appointed.

It was noted that some papers which had already been recorded in this Branch were subsequently again recorded in the Money Order Office or the Telegraph Department. The Commissioners do not think this double record is necessary.

CORRESPONDENCE BRANCH.

Staff, 4.

This Branch uses the type-writers as far as practicable in carrying out its duties. The smallness of this staff is explained by the fact that they are chiefly occupied with correspondence of an executive character, while the routine correspondence is performed in the branches dealing with the particular business. Where it can be done, correspondence is carried on by printed forms and circulars.

INLAND MAIL BRANCH.

Staff, 5.

Deals with papers in connection with mail contracts, inland and ocean services time-tables, railway extensions, postal guides, &c.

The work of issuing time-tables is a most important matter, as any error would cause confusion in delivery of mails.

The sorting and examination of time-bills entails a considerable amount of work, and fully occupies the time of the staff.

APPOINTMENT BRANCH.

Staff, 9.

The duties of the officers of this branch comprise all matters pertaining to establishment or discontinuance of Post and Receiving Offices and all changes therein, establishment, alteration or discontinuance of mail routes, appointments, dismissals, retirements, leave of absence, suspensions, resignations, alterations of salaries, allowances of all kinds, stamp vendors licenses, contracts, changes of rates of postage, office furniture, fittings, &c., besides a variety of other duties arising out of conveyance of mails. The assistance of an extra clerk is required, as the staff have to do overtime work often amounting to an extra four hours a day.

STORE BRANCH.

Staff, 4.

It is considered that the work of this Branch could easily be performed by two energetic men.

MESSENGERS.

The necessity for the large staff of Messengers has not been explained, there being 16 in all. One has been absent for several months. So far as your Commissioners see 10 messengers should be able to do all necessary work.

C AND D DIVISION.—MISSING LETTER IRREGULARITY BRANCH.

Staff, 14.

This branch deals with all complaints of every kind, whether relating to missing letters, parcels and packets or telegrams, money orders, or any other matters affecting the delivery of postal matter, and with all irregularities on the part of mail contractors, postmasters, and employes of all sorts. In dealing with these complaints many references and inquiries have to be made, and records of a special and private kind have to be kept to enable the authorities to trace missing letters and prevent peculation on the part of employes. This branch is conducted in an efficient manner.

ACCOUNT

ACCOUNT AND CASH BRANCH.

Staff, 22.

Thirteen clerks and a messenger are employed in the account branch, and this appears to your Commissioners to be too large a staff for the duties to be performed, although under the present system all have full employment. The system appears to have worked well hitherto, but your Commissioners are of opinion that it is decidedly defective, inasmuch as the books are not kept by double entry, and the accounts are not in a form which admits of their being readily balanced. A number of subsidiary ledgers are kept, but though they are called ledgers they are really journals, each one dealing with certain special accounts such as revenue stamp sales, public departments, postmasters, contractors, &c.

An examination of the principal ledger showed that many entries were made direct from documents or vouchers without being journalised.

As much of the Accountant's work originates in the Cash Branch, your Commissioners suspended their investigation in the Account Branch until they had examined the work of the Cashier and the officers of his staff. Here again they found the system defective and complicated, the Cashier being unable at once to show, by reference to his cash-book, what value of stamps he had in his safes, although he could do it from fragmentary memoranda. It was pointed out to him that each transaction of receipt and issue of stamps should be at once entered in a book to be called Stamp Treasury Book, and the balance in the safe shown after each transaction.

The Cashier stated that owing to the pressure of work in preparing cheques for quarterly payments to non-official postmasters the Stamp Stock Book had not been written up, but a roughly entered sheet was produced as the draft from which the entry would shortly be made. The memos. in the safes agreed with this sheet, but it did not appear to your Commissioners that this was a proper mode of dealing with what is virtually a cash account.

Two books are kept in the Cashier's Branch, and one in the Accountant's Branch, which contain almost the same information, detailed at great length, in triplicate, and it is proposed to slightly alter the form of the principal book and make it serve the purpose of the three now in use. In its new form it would become a journalised cash-book, and would show daily all the transactions of the Cashier's Branch, with the daily balance extended, which should agree with the Stamp Treasury Book. For the convenience of transfer from the Cashier to the Accountant there might be two of these books for use on alternate days.

Other matters in reference to the Cashier's Branch will be dealt with further on.

Your Commissioners having made themselves acquainted with the relations existing between the Cashier's Branch and the Accountant's Branch, returned to their investigation of the latter, and they now advise a radical alteration in the method of dealing with the accounts, consolidating all transactions on a proper business basis by adoption of a complete system of double entry and the use of a journal, cash-book, and ledger, which shall show a daily balanced record of all the business of the Department. This system has been fully explained to the Accountant and Cashiers. Some of the present books will be required as subsidiary registers, but others can be abridged or discontinued, and the eight ledgers now kept for postmasters' accounts can be done away with under improved regulations in reference to the issue and sale of stamps, and payment of salaries and allowances. Your Commissioners feel so strongly on this point that they recommend that the Government should at once adopt the new system indicated above, which can, in their opinion, be carried out with greater efficiency than is attained by the present mode of keeping the accounts, and with a reduction in the number of clerks. If this is approved of, the Commissioners are prepared to institute the new system under their personal supervision. There are many matters of minute detail in regard to foreign postal matters and inland mail contracts which seem to be absolutely necessary; but the docket system in reference to underpaid letters, &c., involves so much routine work, both at country post-offices and at the Head Office, to collect a revenue of about £2,000 per annum, that your Commissioners recommend its abolition, and the introduction of a "more to pay" stamp similar
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to that in use under the American system. These stamps should be of a distinguishing colour, and only available as a means of collecting deficient postage and fines thereon. The great bulk of letters are posted within a few minutes of the closing of the mails, and the present system of preparing two docket forms for each letter on which the postage is short throws too much responsibility on the postmaster at a specially busy time, and it is thought that many letters are passed without notice which are really underpaid. There is, therefore, a loss of revenue which it is believed would be prevented if the plan proposed were adopted. In order to induce special diligence in this matter a commission might be allowed to the postmasters. If these proposals are carried out a more efficient system will result, and the services of several clerks be liberated for duty in other branches if required.

Returning to a consideration of the Cash Branch, your Commissioners are of opinion that too much time and labour is expended in the recording of the issue and sale of stamps, so as to show the number sold of each denomination, and in keeping detailed accounts with licensed vendors. The Cashier should, of course, keep a record of the denominations and value of stamps furnished to him by the Government Printer on the requisition of the Secretary to the Post Office, and the form of Cash Book suggested will show the daily issue of each denomination of stamps, but when once issued by him to the window clerk or to the stamp sales clerk they should be treated as cash without regard to denomination of the stamps.

In the issue of stamps to postmasters at present, discrepancies often occur through the cash remittance being more or less than the value of stamps asked for, thus creating debits or credits which have to be posted to their accounts in the ledger. Regulations should be issued that remittances must be in even money, and not in fractions of a £, and that no ledger entries should in future be made to personal accounts for the mere exchange of stamps for cash, and thus dispense with the necessity for keeping the eight ledgers already referred to, to record these transactions. We also find that much time and labour are expended in preparing abstracts or synopses for the Auditor-General which are of no value. The Commission are of opinion that the present mode of drawing up the attested accounts in detail may be discontinued, and a much shorter form be adopted which will meet all the requirements of the Auditor-General.

An alteration in reference to the payments of postmasters by separate cheques would cause a large saving of time and labour, and fines should be recovered apart from their salaries.

It has been found that an arrangement at present exists between the Telegraph Department and the Money Order Office by which the former pays to the latter the salaries of a large number of officers by a single cheque, giving a schedule of the officers to be credited. The amount set down against each name is credited to the officer in his account with the Money Order Office, and a credit note is sent to him, on receipt of which he withdraws the authorized amount from the funds in his hands. This is stated to be an advantageous arrangement so far as the Money Order Office is concerned, and a great saving of labour to the Accountant's Branch of the Telegraph Department. It has been ascertained that the same arrangement could be adopted in paying the official postmasters and also many of the non-official postmasters, so that the Cashier's Branch of the Post Office could be relieved of all monthly payments to postmasters, and the quarterly payments to about 200 non-official postmasters. This would be a great reduction of work to the Cashier. The remainder of the non-official postmasters, and of the postal contractors, would have to be paid as at present.

POSTAL INSPECTORS.

In a large department like the Post Office a properly organized Inspectorial Staff is a necessity, and your Commissioners are of opinion that it is very desirable that every Inspector should be conversant with electric telegraphy so as to make a complete inspection not only of the offices and books but also of the instruments and lines. There are at present four Postal Inspectors, two of whom are qualified to carry out a full inspection. It is recommended that in future a knowledge of electrical science shall be required in the candidates for appointment as Inspectors.

MAIL

MAIL BRANCH.

Staff, 344.

This Branch includes the receipt and delivery of letters and despatch of mails, Dead Letter Office, Registry Office, Private Boxes, Stamp Sales' Office, and other matters, such as record of addresses and miscellaneous duties kindred to the above.

The business of sorting and delivering appears to be expeditiously and efficiently performed, and the personnel of the staff is said to be very satisfactory.

The chief feature in the Sorting Room was the enormous bulk of newspapers passing through the office daily, and it was stated that the carriage of them, both by inland and foreign mails, was a heavy burden on the Department, and entailed a very large annual expenditure. It is estimated that 31,200,000 newspapers are posted annually in this Colony free of postage, and making a liberal allowance for papers which would not be posted if postage were charged, it is thought that the enforcement of a postage of $\frac{1}{2}$ d. per paper would yield a revenue of probably £40,000 per annum. The imposition of such postage is recommended, with a limit as to weight, but to do this the law would require to be altered. As an illustration of how the privilege of free postage is misused, agents in the country return to the metropolitan publishing offices about 7 tons of unsold papers per week simply to balance their accounts. Publishing offices should pay a composition for the postage of their newspapers somewhat in the nature of the composition paid by the banks on the issue of bank notes. This would save a large amount of labour in the obliteration of stamps. The papers for each township or district should be addressed at the publishing offices and posted in parcels to avoid the labour of sorting the separate papers at the head office.

The Dead Letter Office is perhaps one of the most confidential departments of the Post Office, and is located in unsuitable quarters, and it is noted that the business is carried on largely by temporary clerks. A large amount of valuable property in shape of cheques, drafts, specie, and jewellery passes through this office for return to writers or senders through being misdirected or unstamped, and the amounts paid into the Treasury during the last seventeen years, for which the owners cannot be traced, are as follows:—

December, 1873	...	...	...	...	...	£110	9	6
July, 1882	...	...	...	...	...	137	16	7
December, 1886	...	...	...	...	...	513	10	5
Total	...	...	...	...	...	£761	16	6

This amount was contained in Dead Letters, *i.e.*, letters which could not be returned to the writers or delivered to the addressees, and which were advertised as unclaimed, and then dealt with as required by the Postage Act.

The unclaimed money and property is kept in a safe, and periodically paid over to the Treasury; but though each letter and its contents and disposal are duly recorded, there is not at present any book which would show by easy reference the value of property now in the safe.

As the law at present stands considerable delay occurs in the return of letters to the senders when the addressees cannot be found. Extra work is thrown on the Department, commercial houses complain that they suffer considerable inconvenience, as their business is retarded, and there is abundant evidence that complications often arise which could not happen if, in the case of all letters between places within the Colony, they could be opened and returned to the writers as soon as it is known that the addressee cannot be found at the address given. The inclusion of such letters in the Unclaimed Letter List does not appear to serve any useful purpose, and under an amended law it is recommended that the printing of such lists be discontinued.

Your Commissioners have received ready assistance and information from the Secretary and Assistant Secretary of the Post Office, and have pleasure in expressing their opinion that both officers are worthy of commendation for the assiduity and intelligence with which they have conducted the business of the large and daily increasing department under their control.

MONEY ORDER OFFICE AND GOVERNMENT SAVINGS BANK.

This is a sub-department under the control of the Postmaster-General, and is intimately connected with the Post Office, as all the country business is carried on by Postmasters, who are specially authorized in the chief business centres throughout the Colony to act as agents of this Department in addition to their other duties.

Immediately prior to the inspection of the Commission some alterations and rearrangements of the staff had been made consequent on the retirement of F. W. Hill, Esq., from the position of Superintendent and the appointment of A. J. Doak, Esq., to the vacancy thereby created, the salary being reduced from £860 per annum to £700, and the Department being brought in many ways more under the control of the Secretary for the Post Office.

The Money Order Office and the Government Savings Bank constitute two distinct branches, and transactions in each branch have to be separately dealt with.

The staff of the head office number 59, viz., the Superintendent and Chief Clerk, 18 Clerks in the Money Order Branch, 34 in the Savings Bank, 1 Storekeeper, and 4 Messengers. A schedule showing the names, ages, length of service, salary, and duties of each officer is appended to this report. The number of Money Order Offices in the country districts is 518, and of Savings' Banks, 372.

The country postmasters keep no individual accounts with depositors, but report all receipts to the head office, where all the personal accounts are kept, and no payments can be made, except on notice duly given and authority obtained from the head office. Payments are not limited to the office at which the deposit is made, but persons moving about the Colony can pay in at any office, and withdraw at any other office convenient to them, after reference to the head office, a convenience to the public which entails a large amount of work in the head office.

The system of accounts at first sight appeared to be peculiar and complicated, but your Commissioners made a thorough examination of the various books, and did not rest satisfied until they were convinced of the necessity for each book, and saw that the system was well adapted to properly record and check the transactions of the Department.

In its general details the English system has been closely followed with modifications and improvements which experience has shown to be desirable in view of special requirements of a local character.

Your Commissioners recommend that the allowance to the Storekeeper, J. A. Stokes, of about £40 per annum for commission on duty stamps, be disallowed.

Your Commissioners have much pleasure in reporting that, after a very careful examination of the work of the various officers, and a full investigation into the general routine and administration of the Department, they can express a hearty commendation of the ability and industry displayed by the Superintendent and his officers. The business of the Department is progressive, and the number of transactions is rapidly increasing year by year.

ELECTRIC TELEGRAPH DEPARTMENT.

Your Commissioners having completed their investigations into the administration of the Post Office and the Money Order Office, turned their attention to this Department, the third under the control of the Postmaster-General.

Though the business of the Electric Telegraph Department ramifies through all the principal centres of population throughout the Colony, and employs a large staff of operators and others in the outlying districts, it is greatly concentrated at the Head Office, where, besides the administrative officers and those required for the adjustment of accounts, for correspondence and records, there are in the operating-room at Sydney about 100 persons employed; the total staff of all classes at the Head Office being 467, and the officers in the various country offices numbering 788. Out of the latter number 225 are also officers of the Post Office.

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The same general rule was adopted in the investigations into this Department as had been found effective elsewhere. The Head of the Department and the other superior officers were first conferred with as to what means they could suggest for the more effective and economic working of the Department, and then opportunity was afforded to any other members of the staff to submit any matters they desired to lay before your Commissioners.

A schedule of all the officers was also obtained, and is appended to this Report, which shows all necessary details of the services and duties of each.

It soon became abundantly evident that the relations between the Head of this Department and some of his responsible officers were not of a character to subserve its best interests; and as the inquiry progressed so much friction and ill-feeling became apparent that your Commissioners are forced to the conclusion that the present position of affairs should not be allowed to continue. It is impossible for any Department to maintain its effectiveness and retain the public confidence unless the officer-in-charge has ability and tact to secure the ready and cordial assistance of all the officers of his staff.

The chief administrative officers of the Telegraph Department are the Superintendent and Assistant Superintendent, and your Commissioners regret to report that they have not been on friendly terms for a considerable period.

ACCOUNT BRANCH.

In this Branch there are an Accountant, five permanent clerks, and two temporary clerks. There is a vacancy at present caused by the recent retirement of Mr. Board, who was in receipt of £340 per annum. Your Commissioners have made very careful inquiry into the work performed by this officer, and recommend that the vacancy be not filled, as the Staff, as at present constituted, is, in their opinion, quite large enough for the work of the Branch, if the suggestions of the Commission be carried out.

The Accountant is allowed overtime at the rate of £5 per month for keeping telephone accounts. This should be at once discontinued, and a better disposition made of the duties of the staff, so that the work now charged for as overtime work can be done within office-hours.

The Account Branch should be relieved of the duties pertaining to appointments, promotions, and alterations of salaries, and preparation of returns relating thereto.

The duties of the Cable Clerk should be performed in the Account Branch.

The Appropriation Ledger appears to be burdened with unnecessary details. It should be kept in a more concise form, totals only being posted instead of the particulars of each individual voucher.

CASH BRANCH.

The Cashier has two clerks and a temporary clerk to assist him in his duties. The work of this Branch could be much facilitated if all remittances were sent direct to the Cashier. This would relieve the Assistant Superintendent of part of his present duty, and allow him more time for the general supervision of the internal working of the whole Department, a duty he appears well qualified to carry out, as he has shown a comprehensive knowledge of the business of the Department. The remittances should be entered direct into the cash-book, without incurring the delay of entry, as at present, in the remittance-book; and, if found necessary for use, there might be two cash-books for alternate days.

The Cash Branch should be in close contiguity to the Account Branch, of which it forms a part, to facilitate reference between them.

The Assistant Superintendent should be relieved of the duty of signing the collection-sheets, which should rather be signed by the Cashier.

CHECK

CHECK BRANCH.

This is merely a subdivision of the Account Branch, and should be immediately under the control of the Accountant.

There are at present seventeen clerks and two messengers attached to this Branch. The present system is doubtless very complete and effective, but the errors detected amount to only about £200 per annum, while the cost of the Branch is £2,936 per annum.

Under the present system of checking the Telegraphic business the staff may not be too large, but your Commissioners are satisfied that a large saving could be secured by adopting the system of prepayment of telegrams by stamps, and by substituting an occasional check, as is done in some of the other Colonies and in Europe, for the continuous check now in use.

No alteration in the system would be required so far as the country officers are concerned, except that the officer receiving the telegram for transmission would have to see that the stamps affixed were of the correct value and then obliterate them. The messages and statements would be sent to the Head Office as at present, though some of the forms might require slight alteration. Necessary regulations would of course be issued, and if these were adhered to fraud would rarely occur.

At the Head Office one or two clerks could check the messages each day as received from country offices, to see that the stamp payments were correct and the stamps obliterated.

The Accountant would have the means of checking the business of each officer, as now, if necessary; but the actual check should be limited to a test twice a month of all the business, to be done on particular days not known to the postmasters.

The course to be pursued should be as follows:—The person tendering a telegram for transmission should first affix stamps of the required value. The clerk receiving the message should see that the correct amount is affixed, cancel the stamps, and mark the consecutive number on the message, so that if any number were missing it would be readily observed. The messages would then be dealt with as at present.

CORRESPONDENCE AND RECORD BRANCH.

The Clerk in Charge of Correspondence, who, in our opinion, is an intelligent and efficient officer, should also have charge of the Records. There are five clerks and three temporary clerks in this Branch at present. The temporary clerks are not required, and their services could be dispensed with.

A register has been commenced for the record of the dates of first appointment and other details of the official history of the officers of the Telegraph Department. A competent clerk should be at once entrusted with the completion of this register, as to the want of such a record is attributed much of the discontent which has arisen from officers being promoted without due consideration being given to the claims of those with longer service.

It has come under the notice of the Commissioners that many important papers have not been recorded, though a considerable reduction of work might be secured by doing away with the present mode of recording unimportant papers, such as merely routine forms, circulars, and fines. These trifling matters are dealt with in an unnecessarily elaborate way. It is recommended that when a fine is imposed it should at once be notified verbally to the person fined, if in the Head Office, and entered into a fine-book; the operators' fine-book to be kept by the Manager, and the messengers' fine-book by the messengers' overseer. The fines to be collected in cash, and handed to the Cashier, the Accountant to be furnished with the fine-books each month. The fines appear to be imposed in a somewhat arbitrary manner, and it is recommended that a system of fines should be properly formulated, so that in all cases the fines should be uniform for the same kind of offence. This would obviate the necessity for reference to the higher officers of the Department, much time and labour would be saved, and if the fine-book were indexed, reference thereto would be much easier than to the present departmental records.

MECHANICIAN'S

MECHANICIAN'S BRANCH.

Under the control of the Mechanician there are nine employees, besides two who are denominated messengers, but who are employed in the battery-room, and an operator, who performs the duties of a battery-man. Your Commissioners note several instances in the Telegraph Department where men are appointed as messengers or operators, and then assigned duties of an entirely different character—a fertile source of discontent and disorganization.

Your Commissioners are informed that some proposals have been made for an increase of this Branch; but they recommend that no increase be made, as they do not consider it desirable to build up a large mechanical staff in connection with the Telegraph Department, and in competition with private enterprise. A small staff for repairs may be a necessary adjunct to the Department, but any other work can be better performed under contract.

The rooms used by the Mechanician's Branch are too small for the purpose, and better accommodation should be afforded. A considerable amount of space in the Mechanician's room is taken up by a number of cases, said to be the property of a private individual, not connected with the Department. Instructions should be issued for the removal of these goods.

RECEIVING BRANCH.

This Branch employs thirteen persons, two being called operators, and five messengers. A more correct designation should be given to those who are employed in clerical duties.

Part of the staff is on duty from 9 to 4; the remainder comprises the night staff.

The matter of portorage charges may be alluded to here. The present system, where portorage of telegrams is necessary, is to charge for same and account to the Treasury for the money so received, though it is really not revenue. The officer to whom the telegram is sent for delivery, and who incurs the outlay, has to submit a voucher for the amount, which must be verified by the Accountant and sent to the Treasury for payment, thus causing much delay, extra work, and great inconvenience.

Your Commissioners recommend that where portorage has to be paid by an officer, and the amount can be readily ascertained, it should be collected from the sender of the message, and remitted direct to the officer concerned. In cases of doubt as to the distance to be traversed, or where portorage may be performed by an employee of the Department, in which latter case the portorage charge becomes revenue, the money collected should be placed to a Suspense Account, in charge of the Cashier and Accountant, and the unexpended balance transferred to the Treasury at stated periods. Under such an arrangement as this the person performing the service would either receive his pay at once, or by return post after sending down his voucher to the Accountant.

THE CABLE AND EXPERIMENTAL BRANCH.

There does not appear to be any justification for making this a separate division.

Mr. Dalgarno has recently died, and the position which he filled should be abolished.

The clerks should be placed under the Accountant, and form part of his staff.

Some of the costly scientific instruments, many of which have no direct bearing on telegraphy, should be transferred to the Technical College, or some kindred institution, retaining only such instruments as are of practical departmental value.

The temporary cable-splicer now employed to look after the instruments should, if his services are necessary, be placed under the Overseer of City and Suburban Lines.

The messenger should be dispensed with.

INSPECTORS.

Your Commissioners recommend a rearrangement of this staff, and the complete transfer of the two Railway Telegraph Inspectors to the Railway Department, as the extension of telegraphic communication along the lines for purely railway purposes already precludes the possibility of more than a nominal amount of work being performed for the Telegraph Department.

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The districts of the Telegraph Inspectors should be defined, and their duties should include the complete inspection of Postal, Money Order, and Telegraph business, as well as telegraph lines and instruments. There should be at least four Inspectors, viz.:—A. Tucker, Metropolitan and Chief Inspector; W. H. Maguire, Western District; J. Y. Nelson, North; M. H. Howard, South. Robert Rutherford to be Overseer of City and Suburban Lines. The Head-quarters of all Inspectors to be in Sydney, where their services would be available for other work.

OPERATING BRANCH.

The present accommodation for this Branch is altogether inconvenient and unsuitable, but provision of an improved character is being made, and more healthy and commodious rooms will be thereby secured.

As the number of persons employed in the operating-room is nearly 100, and the nature of their duties requires the most perfect order and attention to business, it is evident that the person in charge should be competent to maintain thorough discipline and secure the confidence and respect of his subordinates.

Your Commissioners recommend that the Manager should have direct personal control of the staff, and have his seat in the operating-room, so as to exercise a constant supervision.

The fine-book, already alluded to, should be in his personal charge, and a schedule of fines should be formulated, printed, and exhibited in the room.

Much discontent exists among the operators as to certain disabilities they consider themselves to be under in consequence of their being classified under the Rules and Regulations of the Department in such a way as to bring them under section 7 of the Civil Service Act. They state that they have been treated as mechanics, whereas their duty is essentially clerical in its nature, and that a good operator must be also a good clerk. There is some hardship in regard to the most qualified men, but it has been elicited that the operating staff has been largely recruited from the boy messengers, who enter the Service without sufficient examination to qualify them for clerical positions.

It is recommended that an alteration be made in the Rules and Regulations of the Department which will give the operators their proper status, and that the lax system which has prevailed in regard to promotions be no longer allowed to exist.

A higher standard of educational attainments should be required in the boys appointed as messengers, the only present test being that an applicant is required to be able to read addresses on envelopes and to write his name.

At eighteen years of age those boys who have not qualified themselves for promotion to the operating or clerical positions in the Department should be removed, unless they can be utilised as letter-sorters or letter-carriers.

Applicants for transfer to the positions of operators or clerks should produce the necessary proofs of educational attainments; and in the case of operators a certificate of proficiency in telegraphic or electrical knowledge of a certain standard should be required.

The present difficulties arising from defective education would thereby be gradually eliminated, and operators would be eligible for promotion outside the operating room, or in some other Branch of the Post Office, when they begin to suffer from operators' palsy, which is a well-known malady affecting the hands of those who have been engaged for long periods at heavy operating work, but who are still able to take positions in country offices where the work is not continuous.

There is an officer designated "Telegraph Instructor," but this title is a misnomer, as he has never performed the duties of an instructor. If the suggestions be carried out—that candidates should produce certificates of competence from the Technical College, or in the case of candidates in the country from the Inspectors—the position of "Telegraph Instructor" will not be necessary.

It is recommended that where officers are appointed to the combined office of Post and Telegraph Master they should be paid by one Department, and be considered, for administrative purposes, the officer of that Department.

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The Senior Assistant Manager is apparently not sufficiently vigorous to be in charge of the operating-room, and it would be conducive to more efficient discipline if a younger and more active officer were appointed to this position, and the gentleman now occupying the position removed elsewhere.

The office of the Inquiry Clerk should be on the ground-floor, where he would be easily accessible to the public. The duties of this clerk are now largely carried out by the Receiving Staff.

DESPATCH BRANCH.

Your Commissioners note that in this Branch two appointments have been made within the year,—one man being forty years of age, and the other fifty-three years of age,—as temporary messengers' overseers. These employees are engaged in outdoor supervision of the boy messengers, but we consider that they are quite unnecessary, and should be at once dispensed with. The book-check which records the time occupied by each messenger in going out with messages and returning to the office, and the fines imposed on messengers in all cases of delay or of complaints by the public, is a sufficient safeguard against loitering; and a further incentive to expeditious delivery is offered in the result system, by which the boys are paid according to the number of telegrams delivered.

The present Despatch Room, which is below the street level, is damp, and is said to be unhealthy. Some improvements were being made in it at the time of your Commissioners' inspection, which it is hoped will render the place more habitable.

In dealing with the Operating Branch suggestions have been made as to the rules under which the boy messengers should be admitted, and subsequently dealt with as regards promotion. We would here suggest that one or more telegraph instruments should be provided in the despatch-room upon which boys desiring to qualify as operators should be allowed to practise under the supervision and instruction of the messengers' overseer. It is understood that the present overseer is not qualified to teach, and he has only been appointed to his position within the last four years, apparently without proper regard to the claims of others in the Department to whom a salary of £240 per annum would have been substantial promotion. It is necessary that the occupant of this position should have a complete disciplinary control over the messengers, and, as in the case of the operators, there should be a printed schedule of fines on view in the despatch-room. Fines, when enforced, should be at once notified to the person concerned; entry should be made in the fine-book. Fines should be paid in cash, and the cash handed to the Cashier, the fine-book being sent periodically to the Accountant. This would save work in the Record and Account Branches.

STORE BRANCH.

Inadequate provision is at present provided for telegraphic stores and material. There are two stores occupied in the city—one recently taken at a rental of £624, and another, a galvanized shed of most insecure construction, which has been leased for several years at £300 per annum. The lease of the latter premises will expire in September, 1890, and they should be vacated on expiry of the lease. The store recently leased is unsuitable and expensive, and provision should be made for bringing all the stores under one roof, and into premises where storage, delivery, and supervision could be economically and efficiently carried out. This is impossible under the present arrangement, and the new store has not sufficient capacity to hold the materials necessary.

We are informed that iron telegraph-poles and telegraph-wire to a considerable value are exposed to all weathers in an open paddock, the property of the Railway Commissioners, at or near Auburn.

Much valuable space in the new store is occupied by old, imperfect, and obsolete instruments, some of which might be sold by auction, and others, perhaps, utilised by the Mechanician.

The average value of the stock in charge of the Storekeeper is said to be about £26,000.

As

As telegraphic material is often a speciality not manufactured in the Colony, nor yet imported into it in the ordinary course of general commerce, tenders for supplies should be called for by the Agent-General wherever they can be most economically obtained. Specifications for contracts should stipulate a minimum and maximum quantity of each material, and deliveries should be so arranged as to prevent an undue pressure on the storage accommodation, and yet provide for replenishing the stock at short notice, so as to obviate the delays that sometimes occur through depending on agents and firms in this city, who may, or may not, have a sufficient stock of any required material to meet the urgent needs of the Department.

Cash deposits should be required, instead of personal bonds, on contracts, and penalties should be promptly enforced for non-performance of agreements.

ERECTION AND MAINTENANCE OF TELEGRAPH LINES.

There can be no doubt that an extravagant and, at the same time, inefficient method of dealing with the erection and repairing of lines has hitherto obtained in this Colony. Your Commissioners have given special attention to this matter, and are convinced that a more systematic arrangement is urgently needed. The persons appointed to supervise the work of the contractors are, in many cases, quite unfit for their positions. They have no qualifications whatever for the duties. They are persons temporarily employed at a daily rate, and they have therefore a direct personal interest in any delay which will prolong their tenure of office. It has been shown that the cost of supervision has borne an undue proportion to the cost of construction, varying from 20 to 40 per cent., or more.

The Overseers should be good bushmen, well-qualified, sober, and reliable men, and should be on the Permanent Staff.

It is understood that there are twenty-five men now under the Overseer of City and Suburban Lines who have been trained to perform the work of repairs and construction of lines in the city and surrounding districts, and some of them could, perhaps, be sent out as Overseers as occasion requires.

Hitherto proposed lines have not been surveyed, but two men have frequently been sent out with the contractor—one to precede the working party, and to peg the direction to be followed; while the other Overseer saw that the post-holes were dug 5 feet deep, and the posts properly erected. If for any cause the contractor was delayed, or even withdrew his men from the work, the two Overseers remained in the neighbourhood of the line and drew full pay, though no work was being done.

In future lines should be surveyed prior to tenders being called, and instead of the present extravagant and wasteful expenditure, a proper specification should be drawn up to include everything necessary to the peculiar conditions of each particular line, the Surveyor and District Inspector furnishing reports, to be used as guides in preparing the specification.

Cash deposits should be required from contractors, instead of personal bonds, and the conditions as to penalties should be sufficiently stringent to fully protect the Department from any loss or undue delay.

In many cases the post-holes might be dug and posts laid alongside, and the work inspected in sections by the nearest Station-master.

Where this cannot be done, an Inspector should make periodic visits to the line while in course of erection, and the Overseer could then bring under his notice any faults of construction which the contractor may have failed to make good on the representations of the Overseer.

Some of the Inspector's reports on lines constructed and handed over, and paid for before inspection, give abundant proof that a responsible officer should inspect the line before payment is made.

In the case of short lines the nearest Station-master could have charge of the material, and in larger contracts the contractor might be held responsible for its safe custody.

The repairing and maintenance of lines is also a matter of importance, and here again we have proof of defective and lax administration.

The

The two following cases are cited as instances, among others which have come under the notice of the Commission, in which the business of the Telegraph Department has appeared to be conducted in a lax manner:—

The Superintendent, Accountant, and Storekeeper were examined about the various premises used for storage purposes by the Department, and from them it was elicited that there are two stores in Kent-street, and that a paddock at Auburn, the property of the Railway Commissioners, is utilised for storage of iron poles and telegraph wire. Subsequently certain papers were called for by the Commission, and on perusing these it was found that there were other premises under rental of £390 per annum, of which nothing had been said by any of the above witnesses. As the name of Mr. Rutherford, the City and Suburban Overseer of Telegraph Lines appeared on the papers, he was called in and examined. When asked as to the rental he replied that it was £300 per annum. A casual scrutiny of the first report by Mr. Rutherford, as to his inspection and inquiry about the premises, revealed the fact that the amount mentioned by him as rent, viz., £300, had been altered to £390; and this he said had been done without his knowledge, and without reference of his report back to him. This report is dated 11th September, 1884, and is minuted: "Prepare minute.—E.C.C., 12/9/84," and "Minute prepared.—J.F., 12/9/84."

The minute so prepared was signed "E. C. Cracknell, 12/9/84," and a similar alteration of the rental from £300 to £390 appears in it. Witnesses who were examined could throw no light on the matter as to the alteration.

The Minister's minute is:—"The rent seems very high. Can no other place be got?—J.N., 15/9/84."

On the 19th September it was referred by Mr. Cracknell for further report, and Mr. Rutherford's report of same date concludes with these words:—"I do not think the rent is too high." But he makes no remark as to the alteration, and when examined he said he had no recollection of seeing such alteration.

On the same date (the 19th) the matter was dealt with by the Minister thus:—"On reading Mr. Rutherford's report of this date I approve of Taylor's shed and land being taken at £390."

The further minutes are:—"Draw out an agreement as a quarterly tenancy.—E.C.C., 22/9/84," and "Mr. John Taylor with agreement.—J.F., 23/10/84."

No offer in writing appears to have been made by the owner of the property, and, so far as can be ascertained, no agreement was ever signed.

Mr. Taylor was examined, and said that the previous tenants paid £403 per annum. That he could not explain the offer of the place to Mr. Rutherford at £300. His communication was by telephone from his manager at the wharf, Mr. Molan, who is since dead. Subsequently he met Mr. Cracknell in the street and reduced the price from £403 to £390, in view of having the Government as tenants.

The alteration of figures in a report sent in by an officer of the Department without special reference to him for explanation, is, in the opinion of your Commissioners, very objectionable.

The second case has reference to the leasing of stores now occupied by the Department in Kent-street.

On the 8th October, 1889, tenders were called for from persons willing to let to the Department premises within the city suitable for stores for the Electric Telegraph Department, such tenders to be furnished by 21st October.

Eleven tenders were received as per schedule with the papers. The most suitable premises offered appear to have been inspected, and there is a report, dated 13th November, 1889, from Messrs. P. B. Walker, Assistant Superintendent of the Telegraph Department, and Wyndham J. Davies, of the Post Office, in favour of leasing a store in Sussex-street from Messrs. Tate & Co., at £750, in which they state, "if these are accepted from the
end

end-of the year the store in Kent-street would then be on our hands until next September, after which date we should be occupying the new premises at £100 per annum less rental than we are now paying for the present insufficient accommodation."

A minute of 22 October shows that the eleven tenders were sent to the Superintendent of Telegraphs, and on the same day noted by him: "Place in Schedule.—E.C.C., 22/10/89." It was returned to him the same day with the Schedule, and no further action on that minute is shown till it was marked, "Tenders declined.—W.T.G., 23/12/89."

It appears from other papers that on the 5th December Mr. Hedges, the storekeeper, inspected and reported on stores not mentioned in the Schedule, in the following terms:—"I have visited the stores in Kent-street, at the rear of Messrs. Gregory & Co.'s premises in Clarence-street, and do not think it advisable to remove to them from the premises occupied at present. The rent asked is £800 per annum, and the accommodation inferior to that afforded by Tate's store.—(Signed)—F. V. HEDGES." This report does not appear to have been submitted to the Secretary of the Post Office, or to the Postmaster-General.

No offer in writing had on that date been made of these stores, but on the following day Messrs. H. P. Gregory & Co. wrote to the Secretary of the Post Office, offering the store at £624 per annum. This letter was referred to the Superintendent of Telegraphs on 9/12/89, and he recommended the acceptance of Gregory & Co.'s offer by minute of same date.

It was then pointed out by the Secretary to the Post Office that H. P. Gregory & Co.'s name did not appear in the schedule of tenders, and several minutes passed between the Secretary of the Post Office and the Superintendent of Telegraphs, in which the former asked for explanation of the delay in dealing with the tenders. This matter does not appear to your Commissioners to have been satisfactorily explained.

Your Commissioners are of opinion that if Messrs. Tate & Co.'s store, which was duly offered under tender, and which had an area of 18,800 feet, had been taken, rather than that of Messrs. H. P. Gregory & Co. (the offer of which was entirely irregular) with an area of only 11,000 feet, and with inferior appliances, the second store in Kent-street, for which rent is paid of £300 per annum, could, on expiration of the lease, have been dispensed with.

It is now stated that it will be necessary to have another store to contain goods which Gregory's store has not capacity for, whereas in Tate & Co.'s store there would have been abundant space and greater convenience for handling all stores required for the Department.

TELEPHONE BRANCH.

The popular use of telephones is daily extending, and the Branch will soon form an important adjunct to the Telegraph Department. There are now 1,872 telephones in use in the city and suburbs and in the country. Of these 445 are in use in Public Departments of the Government, 1,393 by business firms, and 34 are connected with private dwellings. In the cases of some business firms the telephone is in almost continuous use, entailing much labour upon the switch-board attendants, while the telephones in private dwellings are seldom, comparatively, brought into requisition. It is suggested that some modification should be made in the charges, to equalise more equitably the cost to those who use their instruments very seldom and those who demand constant attention.

There appears to be the same kind of strained relations between the Manager of Telephones and the Superintendent of Telegraphs that has been referred to as existing in other Branches of the Telegraph Department.

Delays have been allowed to occur, and public interests have suffered, but it has not been easy for your Commissioners to fix the responsibility fully in the cases that have come under their notice.

Greater dispatch should be used in dealing with papers, and on receipt all communications in reference to telephones should be expeditiously recorded, and at once sent to the Manager.

Your

Your Commissioners are of opinion that Mr. Hammand is a zealous and intelligent officer, and well qualified for his position.

The supply of telephonic instruments appears to be in the hands of one firm in Sydney, and delays have occurred through their stock running out. As the demand is rapidly growing for telephonic communication, it is important that it should not be checked by any such contingency; and in calling for tenders the specification should state a minimum and maximum number, so as to obviate waiting for arrival of instruments from America or Europe.

It is suggested that a system of public automatic telephones should be provided, similar to the system in use in Manchester, where, by dropping a coin into a slot in the machine, the instrument is brought into circuit with the Exchange for a given period, which can be extended, if necessary, by the payment of another coin. The system is said to have worked well where it has been adopted under proper safeguards.

Government Departments using the Telephone Exchange should be debited with the cost of the service.

ELECTRIC LIGHT BRANCH.

This Branch, though under the control and superintendence of the head of the Telegraph Department, has nothing in common with Postal or Telegraphic business, and is not a source of revenue. It should therefore not appear as a charge against the Telegraph Department in the Estimates.

There are at present installations at Parliament House, Circular Quay, and Cowper's Wharf, and the cost incurred should be made a charge against the Departments benefited.

AMALGAMATION OF THE POST OFFICE, MONEY ORDER OFFICE, AND TELEGRAPH DEPARTMENTS.

Your Commissioners have carefully considered the question of the amalgamation of the Postal, Money Order, and Electric Telegraph Departments, and they find that a considerable saving can be effected by the amalgamation of these three Branches of the Service.

With the exception of eighteen offices, all the telegraph offices are now amalgamated with the post-offices in the country districts. There appears to be no reason why these eighteen should not be amalgamated in the same way. By adopting this course a very considerable annual saving of salaries can be secured.

The eighteen premises now occupied exclusively as telegraph offices are valued at £32,000. These, if vacated, could be occupied by other Branches of the Service, or let at good rentals. Recently an arrangement of this nature has been carried out at Armidale, and the officers of several Government Departments have been accommodated in the vacated premises.

In some cases slight alterations to the post-office premises may be required, in order to carry on the combined Services; but it is ascertained that generally the present premises are sufficiently commodious to accommodate both Branches. The present system of divided control creates a large amount of work and expense, which would be obviated by the complete amalgamation of the three Branches. The Secretary of the Post Office would have the whole service under his control, and might be assisted by two Assistant Secretaries (one being for postal, and the other for the telegraph duties), and the Controller of the Money Order Office.

This concentration of duties would secure a better control of the Department, and give greater facilities for promptly dealing with the departmental offices and the public, as well as providing for the strictest economy in working the establishment.

The rearrangement of offices is a matter that has engaged our earnest attention, and by combination of appointments, centred in one head, great improvement can be effected throughout the three Departments.

If this is carried out it will be necessary to abolish the offices of both the Superintendent and Assistant Superintendent of Telegraphs.

The

The duties of accountants in the three Departments should be centred in a Chief Accountant, to be assisted by sub-accountants, if necessary.

By the amalgamation of the Correspondence and Record Branches of the three Departments another large saving can be effected.

The present arrangement of stores is very extravagant. There are three storekeepers, where one could do the work without any difficulty. A combined Post and Telegraph Master has now to apply by three different requisitions, thus rendering it necessary for the storekeepers to be careful that double supplies are not sent upon the requisition of an officer through his asking for the same stores from each Department. It is proposed to put the stores under one "Head Storekeeper." A large saving would result if the proposal is carried into effect.

The general clerical duties can be provided for by the combined staff, and performed in such manner as may be necessary under the amalgamated scheme.

The operating staff would of necessity remain intact, but under the new regime many reforms might be judiciously introduced.

Under the amalgamation scheme a re-arrangement of rooms in the Head Office will be necessary, and the various officers of each particular Branch concentrated.

The present scattered, irregular, and unmethodical arrangement of the Telegraph staff renders it difficult to accurately estimate what further economy can be effected.

In the submitted scheme a large saving would be effected, but a more important consideration presents itself in the fact that it will increase the efficiency in working the Departments, add to the convenience of the public, promote economy, and save trouble in dealing with the officers by having only one head.

The proposals embodied in this scheme cannot embrace the full amount of saving which might arise annually through judicious management, because when the whole of the Departments are amalgamated many ways of saving expenditure would occur, which it might not be prudent to adopt at first.

In closing this Report your Commissioners think it desirable to again refer to the large annual deficit which results from the present working of the Departments under the control of the Postmaster-General, and while making full allowance for the circumstances under which postal communication is maintained, and telegraph lines are erected and worked, in a newly-settled and sparsely-peopled territory, they are of opinion that every effort should be made to keep down the expenditure, and to make the Departments self-supporting. It is also considered that further economy could be exercised in regard to the erection and leasing of expensive buildings for Post and Telegraph offices in too close proximity to established offices. More facilities for postage of letters by means of letter-boxes might be afforded and provision made for sale of stamps near to the letter-boxes, through licensed vendors, but the Department appears to have yielded too easily to demands for more expensive offices than the revenue derivable therefrom would appear to justify. A small postage on newspapers would go far towards bridging the gap between revenue and expenditure, and, considering how large is the cost to the Department of the sorting, carriage, and delivery of newspapers to distant parts of the Colony, it seems only fair that those who benefit by them should contribute their quota towards the revenue.

J. GARRARD, Chairman.

T. A. DIBBS,
 ROB. D. FITZGERALD,
 B. R. WISE,
 JAMES THOMSON, } Commissioners.

APPENDIX to the Report of the Public Service Inquiry Commission on the General Post Office, Money Order Office, and the Electric Telegraph Office.

RETURN showing the names, ages, duties, and salaries of persons employed in the Post Office Department.

HEAD OFFICE.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.	
				At present.	On Estimates, 1889.
Stephen Harbord Lambton, J.P., <i>Secretary.</i>	54	37	Staff, 2. General supervision and control of the Postal, Money Order, and Savings Bank Department, comprising about 2,600 persons, exclusive of about 700 mail contractors. In his capacity as Ministerial Under Secretary, has to attend on Minister at all times when required. Interviews Members of Parliament and others calling on official business. Corresponds with the general public, other public departments, with the Post Offices of all parts of the world; also with postmasters, mail contractors, and the whole staff of the Department. Is Public Accountant under the Audit Act, and in such capacity signs all monetary documents, cheques, vouchers, &c., in connection with the receipts and expenditure of the Department, amounting in all to about £800,000 a year.	£ 960*	£ 960*
James Dalgarno, <i>Assistant Secretary.</i>	48	29	Assists in the general management of the Departments under the control of the Postmaster-General, which embrace nearly 2,600 employees, exclusive of about 700 mail contractors, and has the immediate charge of the branch of the Postal Department that conducts the business that relates to changes, appointments, and improvements in the Service.	600*	700*

B DIVISION.

RECORD BRANCH.—Staff, 6.

Edward Sydney Tribe, <i>Clerk.</i>	35	18½	General supervision of the branch; opens, reads, and distributes to the various branches for action all correspondence addressed to the Department; makes preliminary references; minutes certain papers; deals with all cases relating to the erection of new Post and Telegraph buildings; examines papers and sends in a complete state to the Assistant Secretary for action; distributes to the various branches for action all papers dealt with by the Postmaster-General, Secretary, and Assistant Secretary; examines all papers in B division, and sees that complete action has been taken thereon.	340*	390*
John Smythe Richardson, <i>Clerk.</i>	32	14	Assists generally in all the various duties of the Record Branch, such as heading and putting away papers, attending to documents requiring replies, searching for outstanding papers; has the entire charge of the record of applications for employment.	290*	290*
John Primrose Byram, <i>Clerk.</i>	29	11½	Indexes register; heads papers; marks off the registered documents in register to the various branches; enters up particulars and decisions arrived at in connection with applications for the erection of Post and Telegraph Offices; and assists generally in other work.	240*	240*
Thomas Johnstone Charlton, <i>Clerk.</i>	26	10	Heads papers; traces previous papers and connects them with current ones; checks papers in index before placing them in numerical order; traces outstanding papers; assists in putting away papers by checking in index; gets out all papers required by the different branches.	200*	200*
Edward Thomas Doherty, <i>Clerk.</i>	24	4½	Assists in opening correspondence received; marks papers off to the different branches where action is required on same, and notes them when returned; sends reminders to postmasters and the different branches of the Department, requesting return of outstanding documents; traces the action taken, and obtains from the various branches papers required for connection with others; assists in putting papers away when action is completed; marks "blank covers" returned.	140*	140*
Ernest Swire, <i>Clerk</i>	19	2½	Assists in opening correspondence received; notes leave of absence (except sick leave) granted to officials; heads papers and enters same in register; assists in marking off outward papers, and notes their return.	120*	120*

CORRESPONDENCE BRANCH.—Staff, 4.

Reginald Lionel de Courcy Russell, <i>Clerk.</i>	34	16	Writes and drafts letters, checks and initials those written by others; makes statements of cases, prepares papers for Parliament, and supervises generally the work of the Branch.	340*	340*
James Arthur Barrett Fry, <i>Clerk.</i>	30	13	Writes correspondence generally; takes down in shorthand, letters, minutes, and reports, and transcribes as required; operates typewriter; reports deputations; during twelve years has frequently been utilised by Minister, Secretary, Assistant Secretary, Postal Inspectors, &c., in confidential capacity; has reported investigations, special inquiries; writes <i>précis</i> , &c.	265*	290*†
Alexander Edwin Blackmore, <i>Clerk.</i>	37	20	Writes letters; copies draft minutes and <i>précis</i> ; writes notes for the Minister; typewriting operator.	172*	172
George Frederick Stuart, <i>Temporary Clerk.</i>	27	1	Writes letters; fills in forms; books and indexes letters sent out; and performs other minor duties.	75	75

* Less 4 per cent. † Shorthand-writing, £50 per annum.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.	
				At present.	On Estimates, 1889.
INLAND MAIL BRANCH.—Staff, 5.					
Joseph Clarke, <i>Senior Clerk.</i>	43	23½	Deals with papers in connection with mail contracts, inland and ocean services, time-tables, railway extensions, overland English mails, Postal Guide; and relieves at other duties.	£ 390*	£ 390*†
James Joseph Bede Flynn, <i>Clerk.</i>	32	11¾	Deals with papers relating to the despatch and receipt of mails from and to all places in the Colony; keeps the Quarterly Postal Guide in readiness for issue.	200*	220*
Samuel Baumann, <i>Clerk ...</i>	30	10¼	Issues time-tables and checks time-bills used in connection with inland mail services; assists in preparation of Postal Guide and in correspondence.	190*	190*
Arthur Cromwell Ironside, <i>Temporary Clerk.</i>	17	1¼	Opens, examines, and sorts time-bills used in connection with inland mail services; assists in preparation of time-tables and other work.	50	50
George Hendy-Pooley, ‡ <i>Temporary Clerk.</i>	49	½	Writes letters and assists in issuing mail time-tables for inland services; enters alterations in Postal Guide.	7/- ½ diem	7/- ½ diem
APPOINTMENT BRANCH.—Staff, 9.					
Andrew Johnston Arndell, <i>Clerk.</i>	35	17	Drafts and examines correspondence relating to the establishment and discontinuance of Post and Receiving Offices, and all changes thereat, establishment, discontinuance, and alterations of mail route, leave of absence, suspensions, dismissals, resignations, retirements, allowances of all kinds, stamp-vendors' licenses, changes in rates of postage, and expenditure for furniture, fittings, and supplies; signs letters of appointment, promotion, and transfers of mail contracts; drafts important minutes for Executive Council and <i>Gazette</i> notices; checks accounts for relieving and travelling expenses of officers, monthly list of appointments and changes for Treasury and Civil Service Board, information for Postmaster-General's Annual Report, schedules of tenders for consideration of Tender Board, and acceptances of same, and returns generally; receives deposits made by mail contractors; tests claims of officials for increased salary or promotion; and reports on all matters connected with the business of the Branch.	340*	340*
George Read, <i>Clerk ...</i>	38	17§	Supervises the preparation of schedule of officers placed under security and deals generally with all correspondence connected therewith, also of mail contractors' bonds, and examines the execution of same; keeps register of premises rented by the Department; writes minutes respecting tenancies, erection of new buildings, rates and taxes, and reports on applications for repairs; examines and issues leases, and reports on those expiring; enters returns of English and Foreign correspondence received and despatched; keeps register of appointments of postmasters and other employees; has charge of declarations; assists in preparation of returns for the Civil Service Board, Blue Book, Postmaster-General's Annual Report, and Statistical Register; furnishes statistics and returns showing the work and staff at branch and country offices; and reports on applications for increased salary from non-official postmasters; writes letters.	340*	340*
John Overmyer, <i>Clerk ...</i>	31	13¾	Searches Votes and Proceedings of Legislative Assembly, Minutes of Legislative Council, and daily newspapers, and makes extracts therefrom; keeps record of all proceedings in Assembly and Council in connection with postal and telegraphic matters; has charge of stock of printed Parliamentary papers; prepares papers for Parliament and binding; acts as clerk to Tender Board; schedules tenders, prepares acceptances, and writes letters in connection with same; prepares <i>Gazette</i> notices, and checks proofs of same; acts as advertising clerk (preparing advertisements and certifying to vouchers therefor); acts on cases of alteration and extension of mail services, cancellation of contracts, erection and removal of letter and newspaper receivers, and changes in names of post and receiving offices; keeps Departmental interchange of mails book; assists in preparation of information for Postmaster-General's Report and Annual Returns, and generally in other work.	290*	290
Joseph Hugh Doherty, <i>Clerk.</i>	29	11¼	Takes necessary action as to the establishment of post and receiving offices and changes thereat; assists in scheduling, accepting, and declining tenders, and writes letters concerning the same; assists in searching newspapers for postal matter, and in the preparation of mail contractors' bonds and information for the Postmaster-General's Annual Report; has custody of postage stamps for use of the Branch; indexes journal of daily transactions, and assists generally in other work.	200*	220*
Walter James Gallott, <i>Clerk.</i>	29	8¾	Prepares minutes for Executive Council; writes letters relative to appointments, promotions, suspensions, dismissals, &c.; schedules tenders and writes letters accepting and declining same; assists in preparation of mail contractors' bonds and of information for Postmaster-General's Report and annual returns, also generally in other work; indexes certain books.	190*	190*
Sydney Blackall Edwards, <i>Clerk.</i>	25	7½	Takes action on papers granting transfers of contracts for conveyance of mails, increases of salaries, and leave of absence; writes letters accepting and declining tenders, and in regard to new mail lines and appointment of officials; prepares advertisements and checks vouchers for advertising; schedules tenders; assists in preparing mail contractors' bonds and information for the Postmaster-General's Report; copies notices for insertion in the <i>Government Gazette</i> and reads <i>Gazette</i> proofs; assists generally in other work.	172*	190*
Nicholas Edward Herman Ehrenström, <i>Clerk.</i>	63	10§	Sorts and enters declarations; prepares mail contractors' bonds, leases, returns of work performed at post offices, enters returns of letters posted, and writes letters and reminders in connection therewith; keeps register of bonds; attends Stamp Duty Office to get bonds and leases stamped, and assists generally.	172*	172*

* Less 4 per cent. † Overland English Mails, £25 per annum. ‡ Temporarily employed during absence of Mr. Clarke through illness. § Not continuous.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.	
				At present.	On Estimates, 1889.
Samuel Bailey Dowsett, <i>Clerk</i>	22	5½	Keeps register of names, ages, and dates of appointment of all postal employees, and furnishes information therefrom when required in connection with applications for promotion, &c., or for preparation of returns; keeps register of suspensions, deaths, dismissals, and retirements from service; notes changes in Post Office and mail contract lists, and allowances for portorage of mails; revises Secretary's copies of same, and prepares these lists for printing; prepares monthly lists of appointments and changes affecting the staff of the Department for Treasury and Civil Service Board; assists in scheduling of tenders and in correspondence relative to mail services, appointments, &c.; keeps schedules of tenders properly classified and sorted.	£ 140*	£ 170*
Frederick Coleman, <i>Temporary Clerk.</i>	18	1½	Writes letters relating to appointments of postmasters and receiving-office keepers, stamp-vendors' licenses, and transfer of mail contracts, books same, files newspapers and <i>Gazette</i> , and assists generally in other work.	70	70
STORE BRANCH.—Staff, 4.					
Henry Roberts Davies, <i>Clerk.</i>	31	14½	Directs the issue of all stores and material to branches of head office, and to post and receiving offices; controls the contracts held direct by the Department for the supply of material; reports on tenders for the supply of material under contract or otherwise; certifies to claims for same; reports on the works required in connection with the alterations and renovations of premises occupied as branch offices in the metropolis and suburbs; obtains offers for and supervises the performance of the same.	290*	290*
Frank Quirk, <i>Clerk</i>	30	15	Keeps register of applications for articles not kept in Store Branch, also record of date-stamps, type, seals, letter-receivers, and other articles ordered, and enters their receipt and issue; examines accounts in connection with the same.	240*	265*
Joseph Edward Hinchcliffe, <i>Storekeeper's Assistant.</i>	35	14	Receives stores and stationery from Government Stores Department; orders and receives books and forms required by the Department from Government Printer; issues stores, stationery, forms and books to the several branches of the head office and to post and receiving offices in the Colony; keeps the books connected with the foregoing, and performs clerical duties of a general nature under instructions.	160	160
Stephen Bartholomew, <i>Storeman.</i>	55	20½†	Prepares forms and stores for issue to all post and receiving offices in the Colony; performs general duties as storeman, packer, porter, and messenger.	130	130

* Less 4 per cent.

† Not continuous.

MESSENGERS.—Staff, 9.

Name.	Age.	Length of Service.	Salary per Annum.	
			At present.	On Estimates, 1889.
	Years.	Years.	£	£
Francis Joseph Reardon	41	19	160	160
Sydney Albert Child	27	14½	142	142
Peter Philip Plesner	60	11½†	130	130
James Patrick Joseph Hinchy	25	11½†	118	118*
Frederick John Young†	18	5	50	50
Reuben Don	15	1½	50	50
Ernest George Solomon	17	3	60	60
Thomas Peter Moye	20	4½	65	65
Sydney Richard Mulhall	17	½	£32 10s.	£32 10s.

* For clearing receiver at Rose Bay, £20 per annum.

† Attends to Post Office Telephone Switchboard.

‡ Not continuous.

C AND D DIVISION.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.	
				At present.	On Estimates, 1889.
MISSING LETTER AND IRREGULARITY BRANCH.—Staff, 14.					
Wyndham John Davies, <i>Postal Inspector for Missing Letter and Irregularity Branch.</i>	45	27½	Has charge of the Missing Letter and Irregularity Branch, which deals with all inquiries respecting missing letters, parcels, packets, &c., complaints from all sources and of all kinds whatever affecting the service (Postal, Telegraphic, and Money Order and Government Savings Bank), and with all irregularities on the part of mail contractors, postmasters, and employees generally; makes special visits of inspection to country and suburban offices; signs correspondence written in the Branch, and acts for Assistant Secretary during his absence or the absence of the Secretary.	£ 550*†	£ 550*†

* Less 4 per cent.

† Travelling allowance, 15s. per diem, in addition to the actual cost of conveyance by rail, coach, or steamer, when travelling on duty, or £1 10s. per diem when travelling with own horse or vehicle; ‡ 3s. 6d. per diem for each horse not exceeding two when in town

Name.	Age.	Length of Service.		Nature of duties performed.	Salary per Annum.	
		Years.	Years.		At present.	On Estimates, 1889.
Thomas Stephen Joseph Rigg, B.A., Clerk.	32	15	8	Revises all manuscript correspondence with the public, with postmasters, and mail contractors on the subject of missing letters, packets, newspapers and parcels; inquiries respecting letters, &c.; all irregularities regarding letters, &c., of whatever nature; irregularities regarding telegrams, money orders, and Government Savings Bank deposits; irregularities on the part of employees, and complaints from all sources and of all kinds affecting the Service—Postal, Telegraphic, Money Order Office, and Government Savings Bank; distributes the work and exercises general supervision over the Correspondence and Record Clerks.	£ 340*	£ 340*
Noel Anderson, Clerk.....	28	14	3	Inquiries into complaints respecting alleged missing valuable and other letters, packets, &c. (special cases excepted); and supervises the work of the records ("Private and D"), in which the complaints are placed; writes letters on complaints generally, and checks references <i>re</i> missing letters, &c.	265*	265*
Herbert Cyrus Rowland Doyle, Clerk.	27	13		Writes letters on the subject of missing mail matter, inquiries respecting letters, &c., telegrams, money orders, and Government Savings Bank deposits, all irregularities regarding letters, &c., of whatever nature, irregularities on the part of employees, and complaints from all sources affecting the service; makes inquiry when required as to the non-receipt of letters, papers, &c.; and occasionally prepares <i>présis</i> of intricate cases.	240*	265*
John Norman Douglas Campbell, Clerk.	23	11	1/2	Writes letters explaining delays in transmission and errors in delivery of letters, explaining charges on letters and packets; communicating result of inquiries regarding missing letters containing money, and regarding letters alleged to be tampered with; also regarding misconduct of postmasters and their assistants, and irregular performance of mail contracts; compiles minutes from shorthand notes, and occasionally writes <i>présis</i> of intricate cases.	200*	220*
George Frederick Greenwell Robinson, Clerk.	27	10		Assists in opening communications addressed to the Secretary or Postmaster-General; supervises the recording of papers referring to irregularities (complaints of missing letters excepted); prepares and completes papers for action; minutes papers of minor importance; sorts papers when minuted, and reports their non-return in due course to the Branch; checks action on all papers and draws attention to any omissions; keeps special note of important decisions; furnishes schedules of irregularities and of absences through illness; has custody of papers, and produces them when required.	200*	200*
Henry Moyse, Clerk.....	27	9	1/4	Records indexes and keeps all ordinary cases of missing letters, packets, papers, and parcels; all inquiries for letters, &c.; inquiries for addresses; reports of unclaimed official letters; checks papers when action has been taken; notes the disposal of each paper in the course of the inquiry, and performs other duties incidental thereto; minutes papers in the initial stage.	200*	200*
John Harvey Dunkin, Clerk.	27	10		Assists in preparing papers; notes and sends away papers marked for reference; prepares reminders for the return of outstanding papers; makes extracts from papers when necessary; furnishes particulars of sick leave (in cases of application for leave, &c.); notes in Irregularity Book minutes against officials; assists in disposing of papers when action is completed.	172*	190*
David Edward Crane, Clerk.	25	7	3/4	Writes correspondence in regard to complaints, irregularities in connection with letters, packets, newspapers, telegrams, money orders, and Government Savings Bank deposits; and in regard to certain irregularities on the part of mail contractors, postmasters, and other employees of the Department; books letters.	140*	140*
George Barnett, Temporary Clerk.	43	18	1/2	Records and has custody of all papers concerning missing letters containing money values, and letters from which money values have been abstracted; institutes inquiries, makes out references, and takes the necessary action until completed, in such cases generally; prepares schedule of money cases when considered advisable, with a view of bringing the same under notice for special action; analyses cases of irregularities and prepares <i>présis</i> when required; also in certain cases makes outside inquiries.	150	150
Albert Edward Dawson, Temporary Clerk.	17	1	3/4	Writes correspondence as to missing letters, packets, and newspapers; fills in printed forms; indexes and books letters.	75	75
Herman Walter Eisenstaedter, Temporary Clerk.	17		3/4	Assists in Irregularity records	50	50
Chas. Gallaway Thomson, Temporary Clerk.	23	1	1/2	Records in index all papers respecting irregularities, specially notes reports of irregular conduct against officials in index; connects the current papers for each day, and attaches previous papers when required; makes quotations of outstanding papers; renders assistance generally.	75	75
John Murray, Messenger....	48	10			130	130
ACCOUNT BRANCH.—Staff, 14.						
William Lancaster Carter, Accountant.	41	18	3/4	Supervises the work of the Account Branch; keeps the principal ledgers; certifies to the collections and expenditure of the Post Office, and furnishes any information that may be required affecting foreign or domestic accounts of the Department.	550*	550*
Henry Murdoch, Senior Clerk.	55	27	+	Checks and examines quarterly abstracts of payments to mail contractors and detailed British and Foreign accounts; keeps mail contractors', petty-cash, and Postal Inspectors' accounts.	390*	390*

* Less 4 per cent. † Not continuous.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.	
				At present.	On Estimates, 1889.
Septimus Inez Leon, <i>Clerk</i>	52	16½ [†]	Keeps four ledgers of the account of postage stamps supplied to and remittances received from postmasters; also private box and salary accounts, notes changes of postmasters at offices A to K, and reports upon the state of their accounts; prepares returns of revenue of post-offices for Postmaster-General's Report, and when required for Postal and Treasury Inspectors; deals generally with the supply of postage stamps to postmasters, and the adjustment of their accounts, &c.	£ 290*	£ 310*
Albert Ney Landers, <i>Clerk</i>	37	13½	Keeps registers of salaries of staff of head office and of the different post and receiving offices (A to K), and notes changes therein; checks and examines abstracts of expenditure, reports on papers with reference to the payment of salaries and for services rendered, &c.	265*	290*
George Sims, <i>Clerk</i>	30	13	Enters up day-book and keeps public offices ledger; prepares debits statement, and assists in the preparation of detailed British and Foreign accounts, quarterly abstracts of payments to mail contractors, public offices postage, Intercolonial gratuities accounts, receipt forms for signature, &c.	240*	240*
Charles Alexander Forsythe, <i>Clerk</i> .	31	13	Keeps the L to Z ledger accounts of postage stamps supplied to and remittances received from postmasters, also private box and salary accounts; notes changes of postmasters at offices L to Z, and reports upon the state of their accounts; prepares returns of revenue of post-offices L to Z for Postmaster-General's Annual Report, and when required for Postal and Treasury Inspectors; deals generally with the supply of postage stamps to postmasters and the adjustment of their accounts.	240*	240
Arthur Galbraith, <i>Clerk</i> ...	28	9	Keeps register of salaries of staff at post and receiving offices (L to Z), and notes changes therein; assists in the preparation of abstracts of expenditure; notes all fines inflicted on Post Office officials and mail contractors.	200*	200*
Walter Henry Manning, <i>Clerk</i> .	28	8½	Assists in the preparation and copying of abstracts of expenditure, and forms of receipt for the signature, &c., of postmasters and other employees paid on the quarterly abstracts of expenditure; keeps ledger account of payments to various persons on special or contingency abstracts.	200*	200*
Henry Barkeley Templeton, <i>Clerk</i> .	22	4½	Keeps expenditure account ledger, San Francisco mail service, premium, penalty, and demurrage accounts, overland mail transit accounts, Torres Straits mail service account; assists in the preparation of annual estimates of expenditure, and all information and returns in connection therewith, returns respecting cost of mail services and other information required for Postmaster-General's Report, and other returns relating to postal matters; examines and checks all Foreign and Intercolonial postal accounts, and all abstracts of expenditure, &c.	140*	170*
Henry Hill Ling, <i>Clerk</i> ...	25	11	Checks postage advices and dockets; furnishes postmasters' monthly statements of their indebtedness for outstanding postage, and has charge of the working of the whole docket system from L to Z.	140*	140*
Hugh Hilton, <i>Clerk</i> .	26	4½	Keeps foreign and coastwise mail gratuities accounts, postmasters' balance book, and assists generally.	140*	140*
George Henry Austen, <i>Clerk</i> .	30	7	Checks postage advices and dockets; furnishes postmasters with monthly statements of their indebtedness for outstanding postage; and has charge of the whole of the docket system from A to K.	140*	140*
William Kenneth M' Rae Shearer, <i>Clerk</i> .	22	3½	Checks and sorts dockets, and assists generally	120*	120*
Louis Edwin Baird, <i>Messenger</i> .	22	2½	In addition to ordinary messenger's duties assists in sorting dockets ...	52	78‡
CASH BRANCH.—Staff, 8.					
John Thompson, <i>Cashier</i> ...	47	26½	Receives postal revenue and pays same into various banks to the Treasurer's public accounts daily; pays salaries of postal officials as well as mail contractors, &c.; supplies the public and Government Departments with postage stamps; keeps revenue book showing the amounts paid into the various banks; signs cheques in conjunction with the Secretary.	440*	500*§
Charles Augustus Ord, <i>Clerk</i> .	31	16	Adjusts vouchers with Audit Office; checks and despatches cheques and other moneys to country post offices, mail contractors, &c.; pays letter-carriers' and mail-boys' salaries in head office; supervises and assists generally in the work of the branch.	340*	340*
Frederick Charles Williams, <i>Clerk</i> .	28	15	Prepares attested accounts; balances bank pass-book with expenditure accounts; assists in making out cheques to meet quarterly payments; checks entries in cash-book; keeps stock-book, and otherwise assists in the general work of the branch.	240*	240
Frederick Augustine Kelleher, <i>Clerk</i> .	29	8½	Supplies stamps, &c., to licensed vendors and postmasters; receives stamps repurchased from public; checks postmasters' requisitions, and assists generally.	190*	200*||
Sydney Gilchrist, <i>Clerk</i> ...	24	6½	Keeps stamp-issue book, makes out stamp-issue forms, and checks stamps as they are placed under cover for despatch to post offices; attends at Government Printing Office to check and sign for all stamps issued for postal purposes; assists in banking business.	170*	170*
William Charles Lindsay, <i>Clerk</i> .	30	6½	Makes out cheques; receipts for remittances from postmasters; checks stamps supplied to postmasters, and assists generally.	140*	170*
Alexander Matthews Churchill, <i>Temporary Clerk</i> .	24	2	Keeps postmasters' stamp receipts in order, assists in despatch of cheques to postmasters, &c., and enters same in registered letter book; enters and assists in checking attested accounts, and paying head office letter-carriers' and mail-boys' salaries; takes the daily revenue to bank, and assists generally.	100	100
Samuel Richard Hellings, <i>Messenger</i> .	25	7½	Conveys remittances from Registry Room and cash from Petty Cash and Stamp Sales Office to Cash Branch; labels and seals stamp-cases, and conveys them to the Registry Office for despatch; takes revenue to the bank; collects cash for orders, and brings vouchers from Treasury.	96	96¶

* Less 4 per cent.

† Not continuous.

‡ Sorting letters, 1s. per hour.

§ Compensation for losses—£25 per annum.

|| Compensation for losses—£10 per annum.

¶ Sorting letters—2s. per diem.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.	
				At present.	On Estimates 1889.
POSTAL INSPECTORS.—Staff, 3.					
George Plaistowe Unwin, <i>Postal Inspector.</i>	45	28½	Inspection of Post, Telegraph, and Money Order Offices, which includes an examination of all postal books, balancing books, counting stamps and cash of the Departments named; reports as to new post offices and the extension or reduction of mail services, also as to sites for buildings, accommodation required in such buildings and fittings for same; conducts inquiries into any irregularities in the management of offices or in mail contracts, or misconduct or incapacity of officials employed, and gives instructions when required as to the whole routine of the postal work.	£ 490*†	£ 490*†
Ion Brown Bossley, <i>Postal Inspector.</i>	47	25||	Do do	490*†	490*†
Alexander Tucker, <i>Acting Postal Inspector.</i>	53	30½	Do do	†‡	.....
MAIL BRANCH.—Staff, 2.					
Asher Australia Day, <i>Superintendent.</i>	54	31¾	General supervision of Mail Branch; interviews with the public on postal business; reports on papers in connection with Mail Branch.	600*§	600*§
John Terence M'Mahon, <i>Assistant Superintendent.</i>	46	31½	Assists in general supervision of Mail Branch, and directs the officers in all matters connected therewith; furnishes reports relating to the work of the branch; attends to reports and inquiries for missing letters, &c., and other irregularities.	490*§	490*§

* Less 4 per cent. † Travelling allowance, 15s. per diem, in addition to actual cost of conveyance by railway, steamer, or coach when travelling on duty; or £1 10s. per diem when travelling with own horse or vehicle. Forage, 3s. 6d. per diem for each horse (not exceeding two), when in town. ‡ Receives a salary of £390 per annum from Telegraph Department as Inspector of Telegraph Lines and Stations. § Overtime, £20 per annum. || Not continuous.

RECEIVING ROOM.—Staff, 145.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.		Allowances.
				At present.	On Estimates 1889.	
Robert Robson Iredale, <i>Clerk.</i>	44	20½	Opens office for business at 6 a.m.; sees to the proper receipt of all mails, weighing such when necessary; opens intercolonial or ship mails; exercises general supervision over the sorting staff and letter-carriers; keeps petty cash, and renders an account weekly showing vouchers for all moneys disbursed; makes out monthly overtime sheets.	£ 340*	£ 340*	Overtime, £13 per annum.
Ferdinand Francis Falconer, <i>Clerk.</i>	42	11¾	Acts as "blind clerk" as regards the disposal of undelivered and insufficiently-addressed letters belonging to the head office district; superintends the taxing of letters, &c., which are subject to a charge, and the giving out of charged letters to the letter-carriers; receives and pays to the cashier all postage collected, and keeps the postage account; receives English mails, and keeps the record in connection with the receipt of English and Foreign mails; makes payments from petty cash, and accounts for same to senior clerk; translates letters and documents written in foreign languages, and acts as interpreter.	190*	200*	For translating foreign languages £35 per annum. Overtime, £6 18s. per annum.
Samuel Joseph Parr, <i>Clerk</i>	25	8¾	Marks off inland mails received; reports mails missing, and missing mails received; sorts letters and enters Intercolonial letter bills.	172*	190*	Overtime, £5 per annum.
William John Joyner, <i>Clerk</i>	30	5¾	Enters mails received and sorts letters	170*	170*	
George James Davies, <i>Temporary Clerk.</i>	34	1	Do do	104	104	
Robert Geo. Manning Gill, <i>Letter-sorter.</i>	21	3¾	Sorts letters; enters forward mails, letter-carriers' statements, official registered letters, and the officials' time of attendance; occasionally enters mails received.	120	120	
George Thomas Davis, <i>Letter-sorter.</i>	28	3¾	Sorts and divides letters; distributes charged letters; collects postage on suburban correspondence.	120	120	Overtime, £12 per annum.
James George Douglas, <i>Letter-sorter</i>	30	14¾	Sorts letters; turns mail-bags, and keeps list of box-holders.	120	120	
Ernest William Baker Smithers, <i>Letter-sorter.</i>	23	1½	Sorts letters; officially registers "Consultation" letters; and enters mail received.	100	100	
Benjamin Dewson, <i>Letter-carriers' Overseer.</i>	62	36¾	Regulates letter-carriers' beats; inquires into complaints affecting letter-carriers.	178*	178*	Overtime, £12 per annum.
<i>Stampers and Sorters—</i>						Overtime, £10 per annum.
Robert Leck	56	16½	Opens and sorts mails and stamps letters	160*	160*	
Richard Cotter	32	17	Do do	160	160	

* Less 4 per cent.

Name	Age	Length of Service	Nature of duties performed	Salary per Annum.		Allowances.		
				At present	On Estimates, 1889.			
	Years	Years		£	£			
<i>Temporary Sorters—</i>								
Edward Edwards	20	2 $\frac{2}{3}$	Sorts letters, &c, from 6 to 7 30 a m			} 2s. per diem.		
William George Keruish	20	2 $\frac{1}{3}$	do do					
James Wien	28	3 $\frac{1}{2}$	do do					
Frank Filkins	28	1 $\frac{1}{2}$	} do from 6 to 7 30 p m			} 1s per hour.		
James Thomas Dryland	26	1 $\frac{1}{2}$		do from 6 to 7 30 a m				
Emanuel Emanuel	52	1 $\frac{1}{2}$	do do			} 2s per diem.		
George William Moigan	18	1	do do					
John Thos Simm West	21	1	do do					
William John Mason	16	$\frac{1}{3}$	do from 6 to 7 30 p m			} 1s. per hour. 2s. per diem.		
			do from 6 to 7 30 a m					
<i>‡Senior Letter carriers—</i>								
John Baird	56	33	} Deliver letters and newspapers, and assist in sorting same	160*	160*	} Overtime, £12 per annum.		
John Eve	63	30		160*	160*			
Edward Quinn	63	28 $\frac{1}{2}$		160	160			
George Smith	60	30		160*	160*			
Thomas Breen	53	22		160*	160*			
James M'Padden	43	17		160	160			
John Sheedy	51	19 $\frac{1}{2}$		160	160			
William Smith	51	16 $\frac{1}{2}$		159*	159*			
<i>‡Letter carriers—</i>								
John Reardon	36	19 $\frac{1}{2}$		} Deliver letters and newspapers, and assist in sorting same	148		148	} Overtime, £12 per annum. Forage, £50 per annum.
Edward Connell	42	15 $\frac{1}{2}$	148		148			
Eugene Doolan	43	21 $\frac{1}{2}$	148		148			
Hugh Connolly	42	15 $\frac{1}{2}$	138		138			
Patrick Rouike	54	14 $\frac{1}{2}$	138*		138*			
John Rush	55	14 $\frac{1}{2}$	138*		138*			
Thomas Costello		14 $\frac{1}{2}$	138		138			
William Magee	37	11 $\frac{1}{2}$	138		138			
John Kenny	38	11 $\frac{1}{2}$	138		138			
Randle Hancock	45	12	138		138			
Valentine Higgins	47	11	138	138				
Henry Pawley	60	10 $\frac{1}{2}$	138	138				
Robert Douglass	34	12 $\frac{1}{2}$	138	138				
Samuel Bell	45	10	135	135				
John Butler	47	10	135	135				
John Fitzpatrick	37	9 $\frac{1}{2}$	135	135				
John James Gilchrist	46	12	135	135				
Henry Wm Hancock	33	12	135	135				
James Aubusson	31	12 $\frac{1}{2}$	135	135				
Wm Saul Moton	37	8 $\frac{1}{2}$	127	127				
David Percival Baldock	30	10 $\frac{1}{2}$	127	127				
Archibald McLachlan	43	8 $\frac{1}{2}$	127	127				
James Webb	50	7 $\frac{1}{2}$	127	127				
Ambrose Dickson	30	7 $\frac{1}{2}$	127	127				
Alfred Light	34	7	127	127				
Henry Robert Whitten	30	7	127	127				
Walter Thomas Lumsden	30	7	127	127				
George Washington Cuke.	41	7	127	127				
Thomas James Archer	45	7	127	127				
Thomas Morrison	32	7	127	127				
John Hoare	25	13 $\frac{3}{4}$	127	127				
Samuel Fizzell	52	6 $\frac{1}{2}$	127	127				
Richard Dawson	43	6 $\frac{1}{2}$	127	127				
Michael Vaughan	39	6 $\frac{1}{2}$	127	127				
George Roland Cooper	30	6 $\frac{1}{2}$	127	127				
George Wm Moigan	42	12 $\frac{1}{2}$	127	127				
Alfred Thomas Olive	63	21 $\frac{1}{2}$	124	124				
Richard Quinsey	48	6 $\frac{1}{2}$	} Deliver letters and newspapers, and assist in sorting same	124	124	} Overtime, £12 per annum.		
John Hancock	35	6 $\frac{1}{2}$		124*	124*			
Robert Weir	30	6		124	124			
Richard Byrnes	39	13		124	124			
George Sydney Ireland.	30	6		124	124			
James Queely	28	5 $\frac{2}{3}$		124	124			
Thomas Agall	26	5 $\frac{1}{3}$		124	124			
Martin James Flanagan	34	5		124	124			
James P M'Namara	32	4 $\frac{1}{2}$		124	124			
Henry Armstrong	35	5 $\frac{1}{2}$		124	124			
Thomas M'Donogh	29	5 $\frac{1}{2}$	124	124				
James Hughes	28	4 $\frac{2}{3}$	124	124				
Thomas Charles Haggett	31	4 $\frac{1}{2}$	124	124				
Robert Houston	28	4 $\frac{1}{2}$	124	124				
Charles Joseph Kcanc	25	11 $\frac{1}{2}$	124	124				
Michael Kelly	23	6 $\frac{1}{2}$	114	114				
Joseph Thomas	23	5	114	114				
James Parker	23	6 $\frac{2}{3}$	114	114				
Sydney Joseph Mulqueeney	24	5 $\frac{1}{2}$	114	114				
James Thomas M'Bude	23	6 $\frac{1}{4}$	114	114				
James Boulke	31	4	114	114				

Name	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.		Allowances.	
				At present.	On Estimates, 1889.		
‡ Letter-carriers—continued							
	Years.	Years.		£	£		
Francis Sydney M'Donall	23	5½	Deliver letters and newspapers, and assist in sorting same.	114	114	Overtime, £12 per annum.	
Michael Peter Ryan	22	5½		114	114		
Joseph Patrick Cosgrove	24	4		114	114		
Albert Francis Buckley	33	4		114	114		
William Harle	23	8½		114	114		
Thomas Tierney	21	6		114	114		
Bernard M'Loughlin	29	3½		114	114		
Robert Lewis	32	3½†		104	104		
Edward Eagleton	20	7		104	104		
Henry Oliver Griffiths	20	6		104	104		
James Patrick Davies	31	3		104	104		
Thomas Archer	21	5½		104	104		
Abraham Thomas	21	7½		104	104		
James William Little	20	5½		104	104		
William Joseph Ware	19	4½		104	104		
John Hilliard	31	3		104	104		
Edmund James Vindin	19	4		104	104		
Robert Ellis	23	3		104	104		
James Vincent O'Grady	19	5		104	104		
Edward Victor Gosbell	21	8		104	104		
Fredk. Thomas Lawson	33	2½		104	104		
James Joseph Quinn	20	7		104	104		
Walter Lapham	23	1½		104	104		
Edward Carroll	30	1½		104	104		
Frederick Styman	31	1½†		104	104		
George Bird Gosbell	19	4½		Assists in sorting and in other work, and, in case of emergency, delivers letters.	104		104
John O'Loughlin	25	3		Deliver letters and newspapers and assist in sorting same.	104		104
Ptk. Francis M'Donough	26	3½			104		104
John Owens	24	3½†		Assists in sorting and other work, and in case of emergency delivers letters.	78		78
‡ Mail-boys—							
William Fairbairn	19	4	Drives cart in which contents of letter-receivers are conveyed to head office.	78	78	Overtime, £3 per annum.	
John Quain	19	6½	Clears letter-receivers and faces up letters for stamping.	78	78		
Arthur Pride	18	4¾	Drives mail-cart.	78	78		
Patrick Lafferty	19	3½	Clears letter-receivers and drives mail-cart	78	78		
Daniel Keane	16	3½	Clear letter-receivers and face up letters for stamping.	52	52		
Percy Crane	17	3½		52	52		
James Joseph Ferrier	19	3		52	52		
Wm. Arthur Belshaw	18	2½	Enters letter-carriers' and mail-boys' time of attendance, and sorts letters and newspapers.	52	52		
John Archer	18	2½	Clear letter-carriers, and face up letters for stamping.	52	52		
John Fennelly	18	2½		52	52		
William Vaughan	18	2½		52	52		
John Lafferty	17	2½		52	52		
John Quirk	19	3½		52	52		
James Patrick D. Cherry	16	3¼		52	52		
George Whately	18	2	52	52			
Wallace Henderson	18	1½	Sorts and delivers newspapers and packets	52	52		
William Solomon	15	1½	Clear letter-receivers and face up letters for stamping.	52	52		
William Slater	18	1½		52	52		
John Anderson	18	1½		52	52		
Sydney Stevens	18	4†	Clears letter-receivers and drives mail-cart	39	39		
Edward Peter M'Camley	19	1	Clear letter-receivers, and face up letters for delivery.	39	39		
Bertie Mealia	16	1		39	39		
Cornelius Duggan	18	2		39	39		
John Kelly	16	2†		39	39		
William Corliss	14	½		39	39		
Thomas Ryan	16	½		39	39		
Marcus John Boyson	17	1¼		39	39		
Alfred Charles Bray	18	3½	39	39			
Messenger—							
Henry Matthew Kirby	39	2¼	Sorts newspapers, books, and circulars; ties, seals, and loads mail-bags.	91	91	£10 per annum.	
DELIVERY ROOM.—Staff, 18.							
Clerks—							
James M'Neilly	40	20½	Supervises work of the room generally, lets private boxes, issues charged letters, checks the divisions, and assists in sorting; also examines all papers sent to the room for inquiry, and sees that they are properly acted on.	290*	310*	Overtime, £13 per annum.	
Samuel Boyce Hilton	32	11½	Sorts letters, delivers charged letters to boxholders, lets private boxes, and receives fees therefor; checks letter divisions and assists generally.	200*	220*	Overtime, £7 18s. per annum	
Robert Alexander Shortland	27	8½	Sorts and delivers letters, and performs other duties connected with the private letter-boxes; checks letter division, re-addresses correspondence, enters written applications for letters to be forwarded, and reports on official papers.	190*	200*	Overtime, £5 per annum.	
Henry Coleman	27	7¾	Sorts and delivers letters and receives mails	172*	190*		

* Less 4 per cent. † Not continuous. ‡ Allowed uniforms.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.		Allowances.
				At present.	On Estimates 1889.	
<i>Clerks—continued.</i>						
Henry John Foskett ..	35	5 $\frac{3}{8}$	Sorts and delivers letters, enters applications, and reports on official papers, and checks letter division; re-addresses correspondence for persons whose addresses are recorded.	£ 140*	£ 170*	
Christopher Molloy	22	7	Sorts and delivers letters	140*	170*	
Frederick Mullarkey ...	28	3 $\frac{3}{8}$	Sorts and delivers letters and attends to inquiries for missing letters.	120*	120*	
John Kerr, <i>Temporary Clerk.</i>	31	1 $\frac{1}{2}$	Sorts and delivers letters, checks letter division, attends to written inquiries, compares letters with recorded addresses, re-addresses letters as desired, and notes new addresses.	100	100	
<i>Letter-sorters—</i>						
William Smith Stevenson.	30	9 $\frac{3}{8}$	Sorts and delivers letters	140	150	Overtime, £5 per annum.
William Innocent Patrick Ellery.	26	6 $\frac{1}{2}$	Sorts and delivers letters, checks letter division, and attends to inquiries connected therewith.	140	140	
George Francis Humphries.	29	6	Sorts, delivers, and re-addresses letters, checks letter division, and enters applications for letters.	130	140	
William Albeus Glasheen.	26	14	Sorts and delivers letters, acts on papers and applications in connection with same.	130	130	
John M'Burney	25	3	Sorts, delivers, and re-addresses letters, checks division, and reports on inquiries respecting letters, &c.	120	120	
John William Williams	21	2 $\frac{3}{4}$	Sorts and delivers letters, checks division, enters changes of address.	100	100	
William Patrick Cawley, <i>Emergency Assistant.</i>	23	1 $\frac{1}{2}$	Sorts and delivers letters	78	78	
<i>Stampers and Sorters—</i>						
Charles James Souter ...	58	13	Enters applications for, sorts, delivers, and re-addresses newspapers.	185*	185*	Overtime, £10 per annum.
William Harry Crouch..	32	13 $\frac{1}{4}$	Enters applications for, sorts, delivers, and re-addresses newspapers, and reports on inquiries respecting same.	160*	160*	
William Francis Baker..	23	8 $\frac{1}{2}$	Enters applications for, sorts, delivers, and re-addresses newspapers.	130	130	
REGISTRY ROOM.—Staff, 13.						
<i>Clerks—</i>						
Edward Brook Seymour	47	17	Acts on official documents having reference to, and exercises general supervision over, work connected with registered correspondence.	340*	340*	Overtime, £15 per annum.
George Lym Little	42	16 $\frac{1}{2}$	Has custody of, re-addresses and delivers registered letters and letters addressed "to be called for."	290*	310*	Overtime, £9 per annum.
Francis Butler	32	14	Assists in checking registered mails received, enters registered letters, checks returned registered letters, enters correspondence received, and despatches English and Foreign registered mails.	265*	290*	Overtime, £10 per annum.
Walter Widdulph Ryan	31	13 $\frac{3}{8}$	Enters registered letters, and delivers same to letter-carriers, despatches Intercolonial registered letters, and checks Intercolonial returned registered letter lists.	240*	265*	Overtime, £7 18s. per annum.
George Charles Augustus Warre.	24	12 $\frac{1}{2}$	Receives, despatches, enters, and checks registered mails, and delivers registered letters to letter-carriers.	190*	200*	Overtime, £6 18s. per annum.
William Worling	30	9	Enters registered letters, despatches registered mails, checks Inland despatch-books, and reports non-return of registry list.	172*	190*	
Robert William Horn..	23	7	Enters registered letters, delivers same to letter-carriers, and despatches registered mails.	172*	172*	
Thomas William Baker	31	7	Registers letters, receives and enters registered mails and letters, delivers same to letter-carriers and sorters.	140*	140*	
Richard Herbert Milington.	30	5 $\frac{3}{4}$	Receives and despatches registered mails, enters number of letters, checks dockets, and examines letter-carriers' registry books.	120*	120*	
Charles Wearne Breakspear.	18	3 $\frac{3}{4}$	Registers letters, checks registered mails, enters registered letters, and delivers same to letter-carriers.	100*	100*	
<i>Letter-sorters—</i>						
Prince Francis Little ...	23	8 $\frac{1}{2}$	Enters and delivers registered letters, and receives and despatches registered mails.	130	130	Overtime, £5 per annum.
Alexander Leith	23	3	Checks, enters, and despatches registered mails; and enters money-order remittances.	120	120	
†Thomas Joseph Spelacy, <i>Mail-boy.</i>	20	3 $\frac{3}{8}$	Turns mail-bags, folds registered bills, and seals registered mails.	78	78	
DEAD LETTER OFFICE.—Staff, 9.						
<i>Clerks—</i>						
Augustine Joseph Macdermott.	34	15 $\frac{1}{2}$	Reports upon papers regarding missing and unclaimed letters, and taxes insufficiently-prepaid letters received, and sees that all duties pertaining to the Dead-letter Office are correctly performed.	340*	340*	Overtime, £6 18s. per annum.
John Rose Hutchinson Gibbons.	39	17 $\frac{1}{2}$	Returns unstamped letters, deals with insufficiently-addressed and irregularly-posted letters, makes up unclaimed letter mails, and compiles the foreign and ship portion of country list of unclaimed letters.	290	290*	.....

* Less 4 per cent. † Allowed uniforms.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.		Allowances.
				At present.	On Estimates, 1889.	
John Reynolds, <i>Temporary Clerk.</i>	56	10½	Opens unclaimed letter packets, separates contents, and arranges same in alphabetical order for unclaimed letter list; makes out monthly unclaimed letter list, separates letters of published lists and returns those termed "Medallions"; and sends out notices in connection with letters insufficiently stamped.	£ 175	£ 175	.....
Henry M'Mullen, <i>Temporary Clerk.</i>	51	11¾	Opens and returns unstamped and unclaimed letters, arranges and compiles the lists of unclaimed letters.	175	175	.....
Richard Stuart Cannon, <i>Temporary Clerk (A)</i>	51	5¾	Opens unstamped and irregularly-posted letters; opens and returns unclaimed letters, &c.; assists in arranging and compiling lists of unclaimed letters.	175	175	.....
Charles G. Smith, <i>Temporary Clerk.</i>	...	...	Prepares list of unclaimed letters; opens unclaimed letter packets; sorts "Medallion" letters, and forwards same to owners.	6s. per day	6s. per day	.....
Thomas Joseph Hancock, <i>Letter-sorter.</i>	24	5¾	Deals with personal and written applications for unclaimed letters; arranges and compiles lists of same, and returns unclaimed "Medallion" letters; checks unclaimed letter mails received, and reports irregularities in connection therewith.	130	130	.....
William Bruton, <i>Stamper and Sorter.</i>	49	22½	Opens unclaimed letter packets; arranges contents; copies list of unclaimed letters; separates those that are returnable, and returns "Medallion" letters to senders.	185*	185*	Overtime, £10 per annum.
David John Bright, <i>Letter-sorter.</i>	28	3¾	Attends to window; checks unclaimed newspapers and packets received; sends notices to addressees for postage on unstamped letters which cannot be returned to the writers; returns unclaimed "Medallion" letters; arranges and compiles lists of unclaimed letters.	120	130	.....
RECORD ROOM.—Staff, 3.						
Clerks— George M'Gibbon	32	13½	Deals with written applications for letters and notices of changes of address, and other instructions as to the disposal of correspondence; makes search for persons inquired for.	£90*	£90*	.....
Albert Joseph Kenny	28	4¾	Do do	140*	140*	Overtime, £5 per annum.
John Andrew Niland	21	1½	Do do	100*	100*	
DESPATCH ROOM.—Staff, 68.						
Charles Clarke, <i>Senior Clerk.</i>	39	23	Has charge and supervises work of the Despatch Room from 3 to 5 p.m., and of Mail Branch from 5 to 10 p.m. Interviews the public, deals with papers relating to the night staff and Despatch Room. Locks up the office.	390*	390*	Overtime, £20 per annum.
Clerks— Robert Buik Edward ...	40	21½	Has been absent from duty on half-pay for several months through illness.	340*	340*	Overtime, £13 per annum.
Charles Brady	30	14¾	Has charge and supervises work of Despatch Room from 6 a.m. to 1:30 p.m.; sorts letters, and checks destination of mails; corrects improperly-addressed letters where practicable, and furnishes particulars of English mails despatched.	290*	290*	Overtime, £10 per annum.
Henry William Robert Holmes.	35	17¾	Checks and despatches mails, sorts letters	240*	240*	Overtime, £6 18s. per annum.
William Thomas O'Donnell Cosgrove.	28	11½	Despatches mails and enters registered letters	200*	220*	
Frederick William Sydney Rush.	24	9½	Despatches mails and sorts letters	200*	200*	Overtime, £10 per annum.
Michael John Brady ...	27	11	Despatches, ties, and checks mails and sorts letters...	190*	200*	
William Charles West...	23	8	Receives mails and checks despatch of same.	172*	190*	Overtime, £6 18s. per annum.
Walter Herbert Humby	24	7¾	Despatches mails	172*	172*	
John Charles William Wheeler.	25	7	Despatches mails; prepares quarterly returns of number of letters, packets, &c., posted at Head Office.	170*	170*	Overtime, £5 per annum.
John Michael Stafford...	27	4½	Sorts and delivers letters, despatches mails, and posts ships' mail ledgers.	140*	170*	
Edward Gregory Leeson Croft.	23	6¾†	Despatches mails, checks postage on packets, &c.	120*	120*	Overtime, £6 18s. per annum.
John Alexander Mitchell	18	2	Despatches mails; assists in general work of despatch-room; checks postage on packets, &c.	100*	100*	Overtime, £5 per annum.
Temporary Clerk— Abraham Solomon	18	2¾	Despatches mails and sorts letters	75	75	
Letter-sorters— Athanasius James Scott.	29	7		150	150	Overtime, £5 per annum.
John Stephen Hall	29	7		140	150	
William Henry Westaway.	37	5¾		140	150	
John Christopher Byrne	32	5¾		140	150	
Arthur Gordon	26	6¾		140	140	
Thomas Bradshaw	24	8¾		130	140	
James Richard Bell	23	5¾		130	130	
Daniel Maher	32	3¾		120	130	
Alexander William Bell	23	6¾		120	130	

(1) Also Instructor of Book-keeping and Accountant's Class of the Technical College, for which he receives 10s. per lesson and pupils' fees.

† Not continuous.

* Less 4 per cent.

Name	Age	Length of Service	Nature of duties performed	Salary per Annum		Allowances.
				At present.	On Estimates, 1889	
<i>Letter-sorters—continued.</i>	Years.	Years.		£	£	
Thomas John Murray	25	7	Despatches mails and sorts letters	120	130	Overtime, £5 per annum.
Richard Robert Herkes.	23	2½		120	120	
Samuel Porter	30	2		120	120	
John Joseph Ellis	25	1		100	100	
<i>Temporary Sorters—</i>						
Charles Joseph O'Brien.	35	4½	6/ per diem	6/ per diem	78	78
John Thomas Edward Leeke.	23	3½				
<i>Letter-sorter—</i>						
Ernest Austus Lound	20	2½	Despatches and sorts mails	84	84	
<i>Stampers and Sorters—</i>						
Jonathan Cooper Green	59	25	Supervises and assists in work of sorting newspapers; reports on irregularities in connection therewith; keeps sorters' and stampers' attendance books; has charge of mail bags in stock, and of stores for the use of Despatch Branch.	200*	200*	
Leonard Butler	60	30½	Stamps letters and sorts newspapers	185	203*	
Edmund Donelan	37	15½	Sorts newspapers, &c.; ties, seals, and loads mail-bags	185	185	
Robert Mathers	46	14½	Sorts newspapers, &c.; despatches mails; ties, seals, and loads mail-bags.	185	185	
James Bourke	39	13	Sorts newspapers, &c.	185	185	
Edward George Robinson	33	15½	Sorts newspapers, &c.; despatches mails	185	185	
James Merrick	44	12½	Sorts newspapers	160	161*	
William James Mason	48	20	Stamps letters; sorts newspapers; checks mails received; examines street letter and newspaper receivers; makes outdoor inquiries about missing letters.	160 ^b	160 ^c	
John West	57	18½	Sorts newspapers, &c.; ties, seals, and loads mail bags	160	160	
Robert Lees	34	18	Stamps and sorts letters, &c.	160	160	
Robert L. Ward	52	11	Sorts newspapers; ties, seals, and loads mail-bags	160	160	
Francis Donelan	39	10	Stamps and sorts letters, &c.	160	160	
Samuel Rickards	31	13½	Sorts newspapers, &c.; ties, seals, and loads mail bags.	160	160	Overtime, £10 per annum
John M'Caitney	30	12½		150	150	
William Hamilton	46	11½		150	150	
Ernest F. Ireland	28	10	150	150		
Thomas Stringfellow	54	13½	Stamps and sorts letters, &c.; opens registered mails	150 ^c	150 ^c	
William Manassis O'Brien	28	8½	Sorts newspapers, &c.; ties, seals, and loads mail bags.	150	150	
Thomas Archer	53	5½	Stamps and sorts letters, newspapers, &c.	140	140	
James Spiatt	41	5½	Sorts newspapers, &c.; ties, seals, and loads mail bags; stamps letters, &c.	130	130	
Donald Frazier	30	5	Sorts newspapers, &c.; ties, seals, loads, and turns mail-bags.	130	130	
William Wright	27	4½	Stamps and sorts letters, &c.	120*	120	
John Kennedy Howe Cowan.	22	6½	Sorts newspapers, &c.; ties, seals, and loads mail-bags.	130	130	
Henry Ernest Crane	31	10½		120	120	
Robert Percy	27	7		120	120	
William Johnston Gor man	34	16½	Sorts newspapers, &c.; ties, seals, loads, and turns mail bags.	140	140	
Sydney Bede Galvin	22	8½	Stamps letters, &c.	120	120	
Joseph Wilham Kitz	21	1		104	104	
James Bernard King	23	½		78	78	
Thomas Anstey	44	13½		140	140	
Henry George Williams.	19	4½		100	100	
Michael M'Namee	59	16½		120	120	
<i>Mail Boys—</i>						
Arthur John Ryan	20	8	Sorts newspapers, &c.	78	78	Overtime, £5 8s. per annum.
John Coughlan	18	3½	Ships and receives mails per harbour steamers	78	78	Overtime, £3 per annum.
John Joseph Augustine Donnellan.	18	3½	Sorts newspapers; despatches mails	52	52	Sorting newspapers, 1s. per diem; overtime, £5 8s. per annum.
John Thomas Russell	19	3½	Ships and receives mails per harbour steamers	52	52	Overtime, £3 per annum.
Harry Leake Spratt	18	2½	Sorts newspapers, &c.; turns, ties, seals, and loads mail bags.	52	52	Overtime, £5 8s. per annum.
FOREIGN DESPATCH ROOM —Staff, 9.						
<i>Clerks—</i>						
John Francis Doherty	31	15½	Enters up Day, Foreign Outwards, Intercolonial and Forward Mail Books; receives and despatches mails	265*	265*	Overtime, £7 18s. per annum.
Alexander M'Neilly	26	11½	Despatches mails; keeps Ship Room Ledgers and other books.	200*	220*	Overtime, £6 18s. per annum.
Antonio da Fonseca d'Abren.	28	6½	Despatches mails	172	172	
Arthur Tonge Pearson	22	6½	Despatches mails; checks returned letter bills, and enters dates therefrom	170*	170	
Albert J. Rourke, <i>Letter-sorter.</i>	23	10	Receives and despatches mails; sorts letters	130	140	Overtime, £5 per annum.
<i>Stampers and Sorters—</i>						
John M'Donald	43	18½	Sorts newspapers; enters number and weight of same	185*	200*	Overtime, £10 per annum.
Austin Duffy	42	16½	Sorts newspapers	160*	160*	

* Less 4 per cent. † Allowed uniforms.

Name.	Age.	Length of Service.	Nature of duties performed.	Salary per Annum.		Allowances.
				At present.	On Estimates 1889.	
†Michael Henry Joseph M'Donnell, <i>Shipping Clerk.</i>	45	23½	Receive and deliver ships' mails	£ 240*	£ 240*	Overtime, £13 per annum; rent, £60 per annum. Overtime, £10 per annum; rent, £25 per annum.
†James Middleton, <i>Assistant Shipping Clerk.</i>	37	11¾		190*	190*	
STAMP SALES OFFICE.—Staff, 4.						
<i>Clerks—</i> John Robinson	55	12¾	Sell stamps; attend to inquiries at public counter	240*	240*	Overtime, £5 per annum; compensation for losses, £11 per annum. Overtime, £5 per annum; compensation for losses, £5 per annum. Overtime, £5 per annum.
John James Molloy	24	10½		172*	172*	
Henry Edward Gutliff Tost, <i>Letter-sorter.</i> Francis Clinton Pelham, <i>Telegraph Operator.</i>	33 26	11½ 4		130 25†	140	
INQUIRY OFFICE.						
Alfred Briggs, <i>Clerk</i>	28	8¾	Attends to inquiries at public counter; sells stamps; compiles daily notices for Government Printer and daily newspapers; prepares and posts notices for exhibition outside office.	190*	200*	Overtime, £5 per annum.
SUPERINTENDENT'S ROOM.—Staff, 2.						
Herbert Swire, <i>Clerk</i>	29	12¾	Registers official documents referred to the Mail Branch, and obtains requisite reports thereon before passing them on to the Superintendent.	240*	240*	Overtime, £3 per annum.
†Wanless Johnson, <i>Mail Boy.</i>	14	½	Acts as Superintendent's messenger	39	39	
PARCEL ROOM.—Staff, 2.						
James William Kenny, <i>Clerk.</i>	32	12¾	Receives and despatches parcel mails, and attends to all matters connected therewith.	240*	240*	Collecting Customs duties, £25 per annum. § Overtime, £3 per annum.
†Albert Moodie, <i>Mail Boy.</i>	21	4¾	Packs, closes, opens, and unpacks boxes containing parcels; closes bag containing same; stamps letters, sorts newspapers.	78	78	
MAIL GUARDS.—Staff, 13.						
† <i>Mail Guards—</i> James Conroy	53	19¾	Receives, delivers, and despatches mails on railway line, and stamps and sorts letters and newspapers.	185*	185*	Travelling, £2 10s. per month.
Thomas Marquies	49	28½		185	185	
Henry Stevens	44	27¾		185*	185*	
Thomas Pinnington	61	31½	Sorts, delivers, readdresses, and enters applications for newspapers.	185*	185*	
Henry George Child	40	21½	Receives, delivers, and despatches mails on railway line, and stamps and sorts letters and newspapers.	185	185	
John Smith	44	14		180	180	
Joseph Booth	39	12		175	175	
Theodore Heckenberg	38	11½		160	160	
William Richard Child	33	17½		160	160	
Charles John Howe Burgis.	32	15		160	160	
Neil Thomson	30	13	As relieving mail-guards, receive, deliver, and despatch mails on railway line, and when not so employed sort newspapers in head office.	160	160	
Alonzo Nathaniel Fleming.	38	7½		160	160	
Frederick Davies	39	7		155	155	
MISCELLANEOUS.—Staff, 32.						
† <i>Mail-cart Drivers—</i> George Hardstaff	56	10½	Drive mail-carts	118	118	
Frederick John Alger	34	6½		118	118	
John Trimble	31	2½		108	108	
James Trapp	25	2¾		108	108	
George Clifford	29	1¾		108	108	
William Hubbard	28	1		108	108	
Fredk. Arthur Le Mesurier, <i>Mechanic.</i>	31	½	Effects repairs, alters fittings, &c.	150	150	
Charles Matthews, <i>Assistant Caretaker.</i>	31	4½	Opens and locks up office, attends to cleaning of building, gas, water, fittings, &c.	124	124	
George Metcalf, <i>Groom</i>	35	5¼	.....	140	140
Mrs. Catherine Abbott, <i>Office-keeper.</i>	39	2¾	.....	75	75
†Richard Henry Wynn, <i>Gatekeeper and Porter.</i>	29	9	.....	96	96

* Less per cent. † Allowed uniforms. ‡ In receipt of a salary of £100 per annum from the Telegraph Department. § Paid by Customs Department. || Not continuous.

Name.	Age	Length of Service	Nature of duties performed	Salary per Annum		Allowances
				At present	On Estimates, 1889	
	Years	Years		£	£	
<i>Window cleaners—</i>						
William Swan Campbell	20	3½	Clean windows and other portions of building	78	78	
William James M'Cañon	21	4*		78	78	
Charles James Thrower	22	½		50	50	
<i>Porters—</i>						
Martin Burton	41	4	Clean, sweep, and lock up office, light and extinguish lamps.	104	104	
James Brady	35	2		104	104	
John Schiebel, <i>Office cleaner</i>	29	1	Assists in Parcel Office, stamping letters and cleaning building	78	78	
† John Richard Abbott, <i>Tower Attendant</i>	65	1½	Conducts visitors to tower	26	26	
Charles John Abbott, <i>Detective.</i>	47	23	Also acts as caretaker, and has charge of the horses, vehicles, &c, and generally supervises the outside working of drivers, mail boys, and caretakers' staff.	per day 12/6	per day 12/6	Quarters.
<i>Constable</i>				7/6	7/6	
<i>Constable</i>				7/-	7/-	
† Thomas Harnett, <i>Special Constable</i>	56	6¼	Patrols paths and portico of G P O, and prevents loitering	(Sundays included) 7/-	(Sundays included) 7/-	
Female servants (10)			Sweep, dust, and scrub floors, &c	£1 per week each	£1 per week each	

Not continuous † Allowed uniforms

General Post Office, Sydney, 1st October, 1889

S. H. LAMBTON,
Secretary.

RETURN showing Names, Ages, Salaries, &c, of Persons employed in the Post Office Department
BRANCH, SUBURBAN, AND COUNTRY OFFICES

Name	Office to which attached	Age	Length of Service	Nature of duties performed	Salary per annum	Allowances		
						Nature	Amount	Per
OFFICIAL POSTMASTERS — Staff, 28								
William Gilbert Thompson	Bathurst	45	years 26 2	See notes at foot	£400	Forage	£ 56 10 0	ann.
						Fuel	6 0 0	"
						Cleaning	26 0 0	"
						Quarters		"
William Charles Johnson	West Maitland	50	32 0	do	*400	Fuel	6 0 0	ann.
						Cleaning	13 0 0	"
						Quarters		"
William Henry Hunt	Haymarket	46	22 5	3 do	400	Cleaning	6 0 0	ann.
						Quarters		"
Thomas Harvey Stone	Albury	67	35 6	do	*390	Fuel	3 0 0	ann.
						Cleaning	25 0 0	"
						Quarters		"
Fredrick Griffiths Davies	Goulburn	46	20 0	1 do	*390	Fuel	12 0 0	ann.
						Cleaning	13 0 0	"
						Quarters		"
William O'Neill	Newcastle ..	40	14 4	do	*390	Fuel	4 0 0	ann.
						Cleaning	20 0 0	"
						Quarters		"
Thos Wm Hamilton Dce	Wagga Wagga	55	16 11	do	*370	Fuel	3 0 0	ann.
						Cleaning	13 0 0	"
						Quarters		"
Charles John Booty	William street	38	19 2	3 do	*350	Cleaning	13 0 0	ann.
						Quarters		"
Charles Edwin Dale	Mudgee	34	17 2	do	*350	Fuel	8 0 0	ann.
						Cleaning	13 0 0	"
						Quarters		"
James Adam Dick	Windsor	48	27 0	3 do	*330	Quarters		ann.
Vickers Moyse	Redfern	67	22 2	3 do	*310	Cleaning	13 0 0	ann.
						Quarters		"
Joseph Kelf	Singleton	50	21 0	3 do	*310	Cleaning	13 0 0	ann.
						Quarters		"
William Malcolm Weatherall	Broken Hill	29	10 9	do	*300	Lieu of quarters	50 0 0	ann.
						Cleaning	15 0 0	"
						Fuel and light	25 0 0	"
Oliver Haydock	Demighum	38	17 3	do	*270	Fuel	6 0 0	"
						Cleaning	6 0 0	"
						Quarters		"
Joseph Edwin Lee	Newtown	38	21 4	2 3 do	270	Cleaning	6 0 0	ann.
						Quarters		"
Edwin Lloyd	Oxford street	40	16 8	2 3 do	*270	Cleaning	6 0 0	ann.
						Quarters		"

1 Also agent for sale of beer excise duty stamps 2 Also sells tram tickets 3 Also supervises work and staff of telegraph office
* Less 4 per cent

NOTE — Except where otherwise specified, the following are the duties performed by the foregoing Postmasters — Receive and despatch mails, sort register and deliver correspondence, sell stamps, issue and pay money orders, receive Savings Bank deposits and pay withdrawals, reply to official correspondence and inquiries by the public, prepare periodical returns, transmit revenue collected, and supervise the work of the office in all its branches.

NOTE — All official postmasters receive a commission of 2½ per cent on the sale of duty stamps, and are permitted to levy a fee of £2 2s per annum for each private mail bag they make up for settlers on mail routes.

Name.	Office to which attached	Age	Length of Service	Nature of duties performed	Salary per annum	Allowances.		
						Nature	Amount	Per
William Keohan	Wallsend	40	14 6	¹ See notes at foot of p 39	£ 260	Cleaning Quarters	£ 3 0 0	ann.
Charles Henry Kel'ett	Penrith	42	16 0	do	240	Cleaning Fuel and light	4 0 0	ann.
William Gurd Ledsam	Junce Junction	53	14 5	do	240	Quarters		
Thomas Persehouse Burgis.	Liverpool	42	17 0	do	*240	Cleaning Fuel and light	3 0 0	ann.
William Robinson Bowen	George street West	41	14 8	^{2 1} do	240	Quarters		
Alfred Theodore Gale	Paddington	32	11 4	do	220	Cleaning Quarters	3 0 0	ann.
Frederick Burgis	Camperdown	30	15 0	^{2 1} do	210	Cleaning Foilage	3 0 0	ann.
Sydney Shaftesbury Smith	The Exchange	31	11 11	³ do	*210	Quarters	36 10 0	
Andrew Melville	Balmarnock	43	15 4	do	200	Lieu of quarters	50 0 0	ann.
Charles Lane Tucker	George-st North	53	13 10	^{2 1} do	200	Cleaning Quarters	13 0 0	ann.
James Ramsay	Wickham	31	16 11	do	180	Cleaning Quarters	3 0 0	ann.
Jane Ellen Higgs	Granville	31	11 6	do	160	Cleaning Fuel and light	2 0 0	

RELIEVING OFFICERS —Staff, 2

Willie Harry Golding	Sydney	28	11 7	..	*200	} Allowed when absent from home at night, no exceeding one week 12s per diem exceeding one but not exceeding three weeks, 10s per diem exceeding three weeks 7s 6d per day, in addition to actual travelling expense.
John Dudgeon	Newcastle	35	11 1		170	

POST AND TELEGRAPH MASTERS —Staff, 295

Thomas John Marlow Trader	Bourke	41	24 0	⁴ See notes on page 39	390	Light	Q 13 0 0	ann.
Alexander Burnett	Hay	42	27 6	^{4 5} do	*350	Cleaning	Q 13 0 0	"
William Camper	Wentworth	44	30 11	⁴ do	380	Light	Q 10 0 0	"
Charles Cooper	Orange	52	27 0	⁵ do	*370	Cleaning	Q 13 0 0	"
William Patrick Raper	Dubbo	44	19 4	do	370	Foilage	Q 25 0 0	"
Thomas Quirk	Parramatta	39	23 0	⁵ do	*370	Foilage	Q 35 0 0	"
Richard Conolly Willans	Grafton	40	20 2	do	360	Cleaning	Q 13 0 0	"
William John Chandler	Tamworth	36	19 1	^{4 5} do	360	Foilage	Q 26 0 0	"
Philip Mackel	Wollongong	59	29 9	⁴ do	*340	Cleaning	Q 30 0 0	"
Albert Henry Davies	Cootamundra	41	20 10	do	340	Light	Q 12 0 0	"
Robert William Arnott	Armidale	32	16 0	^{4 5} do	340	Cleaning	Q 11 0 0	"
Daniel Ryan Kenane	Cobai	37	18 0	do	330	Fuel and light	Q 6 0 0	"
Michael Hedley Kelly	King street	51	129 1	do	330	Cleaning	Q 9 0 0	"
Francis Mackel	Campbelltown	58	23 0	do	*310	Lieu of quarters	50 0 0	"
Charles Harrison	Bega	58	125 2	⁵ do	*310	Light	Q 3 10 0	"
George M'Namara White	Park-street	46	27 1	² do	*310	Cleaning	Q 12 0 0	"
William M'Nab	Young	44	24 1	⁵ do	310	Lieu of quarters	75 0 0	"
John Francis Tyter	Kiama	56	23 0	do	*310	Cleaning	Q 6 0 0	"
Edward Chapman	Foibles	41	26 2	do	310	Light	Q 4 0 0	"
George Stephen Hay	Walgett	37	15 2	^{4 5} do	310	Light	Q 13 0 0	"
Ralph Stephen Pemberton	Nyngan	44	14 9	do	300	Cleaning	Q 5 4 0	"
Martin Edward Burke	Queanbeyan	49	26 11	do	300	Light	Q 3 0 0	"
Alfred Chrystal	Wellington	40	19 10	⁵ do	300	Light	Q 6 0 0	"
John Richard Colls	Yass	38	21 1	do	*300	Cleaning	Q 8 0 0	"
James Rowand Holding	Wilcannia	34	22 10	⁴ do	300	Light	Q 8 0 0	"
Perceval Stafford Eldershaw	Tenterfield	33	18 6	do	*300	Cleaning	Q 13 0 0	"
John Kirwan	Cooma	69	22 11	⁴ do	290	Light	Q 7 0 0	"
James Clarke O'Hara	Gunnedah	28	13 6	do	*290	Foilage	Q 25 0 0	"
Thomas Henry Ryan	Glen Innes	38	18 7	do	290	Light	Q 6 0 0	"
						Cleaning	Q 7 0 0	"
							Q 15 0 0	"
							Q 13 0 0	"

¹ Also supervises work and staff of telegraph office ² Also sells tram tickets ³ Does not perform Savings Bank duties ⁴ Also meteorological observer
⁵ Also agent for sale of beer excise duty stamps
 Less 4 per cent ¹ Not continuous Q Quarters

Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum.	Allowances.		
						Nature.	Amount.	Per
Luke Kingsmill	Braidwood	34	14 6	See notes on page 39 ...	*280	Forage	25 0 0	ann.
						Cleaning	3 0 0	"
						Light	5 0 0	"
Donald M'Leod Graham ...	Tumut	44	26 9	¹ do	*280	Cleaning.....Q	13 0 0	"
						Light.....	5 0 0	"
Colville Smith	Gundagai	50	30 10	do	*270	Forage.....Q	30 0 0	"
						Cleaning	6 0 0	"
						Light.....	3 0 0	"
John Peter Olson.....	Grenfell.....	50	28 0	¹ do	*270	Cleaning.....Q	6 0 0	"
						Light.....	4 0 0	"
George Alfred Reid.....	St. Leonards.....	38	19 11	² do	*270	Cleaning.....Q	2 0 0	"
Henry Thomas Maudley	East Maitland	34	19 0	³ do	*270	Cleaning.....Q	6 0 0	"
Williams.						Forage.....	26 0 0	"
Frederick Wesley Browne...	Narrabri	38	22 0	do	*260	Cleaning.....Q	6 0 0	"
						Light.....	3 10 0	"
Edric Thetis Mulligan	Port Macquarie	41	19 7	do	*260	Porterage	12 0 0	"
						Light.....	7 10 0	"
Charles James Robins.....	Brewarrina	49	16 0	⁴ do	*260	Light.....Q	6 0 0	"
						Cleaning	6 0 0	"
Frederick Waddups	Coonamble	32	16 0	do	*260	Cleaning.....Q	6 0 0	"
						Light.....	4 0 0	"
William Silas Bellamy	Narrandera	33	13 2	do	*260	Light.....Q	6 0 0	"
Hugh Malone	Booligal.....	30	14 7	⁵ do	*260	Light.....Q	6 0 0	"
						Cleaning	6 10 0	"
Charles Thomas Morris	Byrock	30	12 6	do	*260	Light.....Q	3 0 0	"
David Thomas	Lithgow	33	10 11	¹ do	*260	Light	4 0 0	"
						Forage	26 0 0	"
John Anschau	Lismore.....	33	11 3	do	*260	Forage.....Q	26 0 0	"
						Cleaning	5 0 0	"
Alfred George Robins.....	Bombala	48	27 11	do	*260	Cleaning.....Q	6 0 0	"
						Light.....	7 0 0	"
George Daniel Woodall	Hillston.....	30	14 7	¹ do	*260	Light.....Q	5 0 0	"
						Cleaning	13 0 0	"
Archibald Hunter	Ballina	53	26 7	do	*240	Light.....Q	4 10 0	"
Walter Malcolm Scott	Casino	58	24 3	do	*240	Light.....Q	5 0 0	"
						Cleaning	3 0 0	"
James Edward Ballard	Coonabarabran.....	41	26 8	⁶ do	*240	Cleaning.....Q	3 0 0	"
						Light.....	3 0 0	"
George Uther Hosking	Carcoar.....	46	26 8	do	*240	Light.....Q	4 0 0	"
						Cleaning	5 0 0	"
Joseph John Baldock Wakely	Raymond Terrace	32	16 8	do	*240	Cleaning.....Q	5 0 0	"
						Light.....	4 16 0	"
						Porterage.....	9 0 0	"
Alfred Bray	Adelong	34	16 11	do	*240	Light.....Q	3 0 0	"
Walter Alfred Lorking	Parkes	33	15 9	do	*240	Light.....Q	5 6 0	"
Charles William Prott	Mount Victoria	39	17 8	^{6 7} do	*240	Light.....Q	4 0 0	"
John James Richards.....	Cowra	31	16 0	⁷ do	*240	Light.....Q	4 0 0	"
						Cleaning	3 0 0	"
						Forage.....	30 0 0	"
Alfred William Kelly.....	Gulgong	29	14 6	do	*240	Light.....Q	4 0 0	"
						Cleaning	7 16 0	"
George William Self	Warren	32	14 4	do	*240	Light.....Q	4 0 0	"
William James Grime.....	Murwillumbah.....	36	15 0	do	*240	Light.....Q	5 0 0	"
						Cleaning	3 0 0	"
Theodore Lamy	Macleay	29	15 11	do	*240	Cleaning.....Q	2 0 0	"
						Light.....	4 10 0	"
						Forage	12 0 0	"
Thomas Dickson	Quirindi	31	14 2	do	*240	Cleaning.....Q	3 0 0	"
						Light.....	5 0 0	"
Arthur Daniel Fowler	Jercelderie	33	13 4	⁴ do	*240	Light.....Q	7 10 0	"
						Cleaning	5 4 0	"
Hy. Herman Proctor Lublin	Urana	33	10 11	do	*240	Forage.....Q	45 12 6	"
						Light.....	6 0 0	"
						Cleaning	6 10 0	"
Emily Theresa Eames	Bundarra	51	+15 9	do	*240	Cleaning.....Q	3 0 0	"
						Light.....	4 0 0	"
James Smith Page	Emmaville	33	13 8	do	*240	Light.....Q	3 0 0	"
						Cleaning	6 0 0	"
Frank Benedict Kenane.....	Silverton	26	11 8	do	*240	Cleaning.....Q	13 0 0	"
						Light.....	10 0 0	"
Frederick John Fowler	Bulli Railway Station	41	20 5	do	*240	Lieu of quarters.	36 8 0	"
						Light.....	5 0 0	"
						Porterage	31 4 0	"
Eyre William Powell	Kempsey	34	18 2	do	*240	Cleaning.....Q	3 0 0	"
						Light.....	4 0 0	"
Francis Oakes Byrnes.....	Murrurundi	46	26 11	do	*240	Fuel and light..Q	6 0 0	"
						Cleaning	3 10 0	"
William Bede Nesbitt	Uralla	29	17 0	do	*240	Cleaning.....Q	3 0 0	"
						Light.....	5 0 0	"
William Henry Day	Richmond.....	41	14 0	do	*240	Light.....Q	3 0 0	"
						Cleaning	6 10 0	"
						Forage.....	26 0 0	"
Charles Robert Hammond ..	Moama	53	27 5	do	*240	Light.....Q	2 0 0	"

¹ Also agent for sale of beer excise duty stamps. ² Also attends to Telephone Exchange. ³ Also 2nd Lieutenant, Morpeth Co. of 4th Regiment of Infantry.
⁴ Also District Registrar. ⁵ Does not perform Savings Bank duties. ⁶ Also Meteorological Observer, ⁷ Also repairs telegraph lines.
⁸ Also Assistant District Registrar. * Less 4 per cent. † Not continuous. Q. Quarters.

Name	Office to which attached.	Age	Length of Service		Nature of duties performed.	Salary per annum.	Allowances.			
			years.	ys.			ms.	Nature.	Amount.	Per
James Williams ...	West Kempsey	55	24	2	See notes on page 39..	*240	Light	Q	£ 4 0 0	ann.
John William Clinch	Berry	40	20	4	1 do	*240	Cleaning	Q	6 10 0	"
Charles Frederick Wakely..	Morpeth	39	23	6	2 do	*230	Cleaning	Q	5 4 0	"
Jesse Matthew Cooke	Corowa	35	14	6	do	*230	Light	Q	4 0 0	"
Ronald Seton	Milton	36	12	3	do	*230	Porterage	Q	25 0 0	"
Bernard Joseph Martin ...	Wanaaring	28	11	9	do	*230	Cleaning	Q	5 0 0	"
Julia Andrews	Petersham	36	13	8	do	*230	Light	Q	2 0 0	"
Robert Richard Graham ..	Condobolin	34	17	2	do	*230	Light	Q	39 0 0	"
Thomas William Harris	Taree	34	16	5	do	*230	Light	Q	5 0 0	"
Robert Dixon	Blayney	29	12	1	do	*230	Cleaning	Q	3 0 0	"
William Thomas Lee	Trunkey Creek	52	29	8	3 do	*220	Cleaning	Q	3 0 0	"
John Christopher Joseph Smith	Wollombi	41	27	6	4 do	*220	Light	Q	5 0 0	"
Charles Chapple	Bateman's Bay	34	21	9	do	*220	Light	Q	2 0 0	"
Hume Jones Chapman	Germanton	32	17	1	do	*220	Forage	Q	45 12 6	"
Alexander Taylor	Muswellbrook	34	16	6	do	*220	Light	Q	2 0 0	"
Henry Matthews	Burwood	35	15	9	do	*220	Porterage	Q	6 0 0	"
William Owen Newbery	Warialda	39	15	11	do	*220	Cleaning	Q	6 10 0	"
Patrick Thomas Whealy ..	Menindie	27	13	10	5 6 do	*220	Light	Q	5 0 0	"
John Bennett	Goodooga	39	12	6	7 do	*220	Light	Q	6 0 0	"
Kenneth Mitchell	Tingha	33	15	1	do	*220	Cleaning	Q	4 0 0	"
Henry John Burton	Nymagee	32	10	3	do	*220	Light	Q	3 0 0	"
David James Elliot	Burrowa	30	16	0	do	*220	Light	Q	3 0 0	"
Peter Augustus Dunne	Tocumwall	48	15	4	5 7 10 do	*220	Cleaning	Q	6 0 0	"
Thomas Joseph Foley	Dungog	39	15	10	do	*220	Light	Q	2 0 0	"
John Thomas Lambert	Moulamein	28	14	5	7 do	*220	Light	Q	3 10 0	"
Frederick James Barnett	Araluen	30	14	11	do	*220	Cleaning	Q	6 10 0	"
John Timothy Marx	Wiseman's Ferry ..	45	14	5	4 7 do	*210	Light	Q	4 0 0	"
John Fellingham Paul	Gosford	33	15	6	do	210	Forage	Q	45 12 6	"
David Ridout Thusby	Walcha	42	12	9	do	*210	Light	Q	2 0 0	"
John Walter	Crookwell	34	14	8	do	*210	Porterage	Q	10 0 0	"
Richard Phillips Martin	Molong	35	11	9	8 do	*210	Porterage	Q	65 0 0	"
Edward William Conolly	Barraba	40	13	9	do	*210	Light	Q	4 0 0	"
John Maurice Foley	Temora	36	8	10	do	*210	Cleaning	Q	3 0 0	"
Leslie Macquarie James Butler.	Stroud	26	11	4	do	*210	Cleaning	Q	3 0 0	"
Robert Laughton Studdert..	Moruya	34	10	4	7 do	*210	Light	Q	4 0 0	"
Andrew Prott	Mittagong	28	6	6	do	*210	Cleaning	Q	3 18 0	"
Frederick Lassen	Pymont	33	18	9	do	*210	Light	Q	3 0 0	"
David Broadfoot	Barrington	35	9	1	do	*210	Cleaning	Q	4 0 0	"
Benjamin Cox	Cargo	35	16	0	do	*210	Water	Q	4 0 0	"
Henry Albert Heyward Lott	Boggabri	30	15	9	do	*210	Forage	Q	45 12 6	"
William Henry Rowland	Inverell	32	15	5	do	*210	Cleaning	Q	6 10 0	"
John Downing Sherriff	Bowral	31	16	1	4 do	*210	Light	Q	3 0 0	"
Alfred Clarence Atkinson ..	Clarence Town	31	14	0	do	*210	Cleaning	Q	4 0 0	"
Elizabeth Ferris	Waverley	38	13	3	do	*210	Light	Q	5 0 0	"
John Thomas Hackett	Gongolgon	30	15	1	do	210	Cleaning	Q	2 0 0	"
Hiram James Rowthorn	Lambton	27	+11	5	do	*200	Light	Q	6 0 0	"
Frederick Small	Eauabalong	38	9	0	do	*200	Cleaning	Q	6 10 0	"
Alfred Webber Plumley	Bingera	27	12	10	do	*200	Light	Q	3 0 0	"
William Mead	Wallerawang	35	7	1	7 do	*200	Cleaning	Q	4 0 0	"
James Alexander Gordon	Ivanhoe	34	12	2	do	*200	Light	Q	4 0 0	"
Henry Hurley Tori	Euriowie	29	+10	2	9 do	*200	Light	Q	3 10 0	"

1 Also Meteorological Observer. 2 Also District Registrar 3 Also Warden's Clerk, Mining Registrar, Clerk of Petty Sessions, and Commissioner for taking Affidavits. 4 Also Assistant District Registrar 5 Does not perform Savings Bank duties. 6 Also Registrar of District Court 7 Also repairs telegraph lines. 8 Also 1st Lieutenant, Molong Corps, 3rd Regiment Volunteer Infantry. 9 Does not perform Money Order and Savings Bank duties. 10 Also 11 cwt gauge reader under Department of Mines. 11 Less 4 per cent. † Not continuous. Q Quarters.

Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed	Salary per annum	Allowances		
						Nature.	Amount	Per
Joshua Walter Nunn	Cundletown	58	27 10	See notes on page 39 ..	*200	Quarters	£ s. d.	ann.
						Light	3 10 0	ann.
						Porterage	5 0 0	ann.
Sydney Lancelot Moffitt ..	Coraki	36	16 1	do ..	*200	Quarters	3 0 0	ann.
						Cleaning	5 0 0	ann.
						Light	4 0 0	ann.
Edwin Sydney Atkinson ..	Jerry's Plains	33	16 0	do	*200	Light	4 0 0	ann.
						Cleaning	3 18 0	ann.
John Ambrose Kelly	Rockley	37	14 6	do ..	*190	Quarters	2 0 0	ann.
						Light	5 0 0	ann.
John Jos. Leonard Moroney	Camden.....	31	14 11	do ..	*190	Light	2 0 0	ann.
						Cleaning	6 0 0	ann.
Geo. Sam. Roberts	Nowia	38	14 6	do ..	*190	Quarters	5 0 0	ann.
						Cleaning	6 0 0	ann.
Jos. Thos. Miner	Cassilis	31	13 8	do ..	*190	Light	5 0 0	ann.
						Quarters	5 0 0	ann.
						Cleaning	4 0 0	ann.
Fredk. Edwin Burgess ...	Picton	31	17 6	do ..	*190	Lieu of quarters	22 0 0	ann.
						Light	3 0 0	ann.
						Cleaning	3 0 0	ann.
						Porterage	5 0 0	ann.
John Munro	Moree	46	12 7	do	*190	Quarters	3 10 0	ann.
						Light	3 0 0	ann.
George Alfred Gunning	Mount M'Donald ..	29	13 6	do ..	*190	Quarters	25 0 0	ann.
						Light	3 0 0	ann.
Clifford Geo. Albt. Doutry..	Homebush.....	28	11 7	do	*190	Lieu of quarters	25 0 0	ann.
Francis Wm. Timmis	Gunning	34	13 1	do	*190	Quarters	3 0 0	ann.
						Light	3 0 0	ann.
Arthur Henry Costin	Canowindra	29	11 8	do	*190	Quarters	3 0 0	ann.
						Light	3 0 0	ann.
						Cleaning	3 0 0	ann.
James William Hodgins.....	Wingham	29	12 11	do	*190	Quarters	3 0 0	ann.
						Cleaning	4 0 0	ann.
William Pugh	Louth	30	9 11	do	*190	Quarters	4 0 0	ann.
						Light	4 0 0	ann.
John Arthur Parke	Moss Vale	30	15 5	do	*190	Lieu of quarters	25 0 0	ann.
						Light	8 0 0	ann.
						Cleaning	3 0 0	ann.
Wm. James Lawless ..	Nelligen	27	13 5	do	*190	Porterage	3 0 0	ann.
						Light	2 0 0	ann.
Trangott Wm. Chas. Young	Yetman	35	11 1	do	190	Quarters	45 12 6	ann.
						Forage	2 0 0	ann.
						Light	2 0 0	ann.
George Lobsey	Balranald	31	14 1	do	*190	Quarters	45 12 6	ann.
						Forage	6 0 0	ann.
						Light	30 0 0	ann.
Robert Alex. Byron ..	Ashfield	31	17 8	do	180	Lieu of quarters	30 0 0	ann.
Alex. Bransgrove Ewing ..	Angledool	25	13 1	do	*180	Quarters	4 0 0	ann.
						Light	4 0 0	ann.
Fredk. Thos. South	Murrumburrah	29	12 8	do	*180	Quarters	3 0 0	ann.
						Light	20 0 0	ann.
						Forage	3 0 0	ann.
						Cleaning	3 0 0	ann.
William Joseph Holahan ...	Smithtown	34	20 5	do	*180	Quarters	8 0 0	ann.
						Porterage	3 10 0	ann.
						Light	3 0 0	ann.
James Napier Falconer ..	Bendemeer	37	20 9	do	*180	Quarters	13 0 0	ann.
						Light	3 0 0	ann.
						Cleaning	3 0 0	ann.
John Patrick Hayes	Sofala	40	14 6	do	*180	Quarters	3 0 0	ann.
						Light	4 0 0	ann.
James Chapman Toose ..	Bellbrook	44	14 3	do	*180	Quarters	45 12 6	ann.
						Light	13 0 0	ann.
						Forage	3 10 0	ann.
Robt. Miles Stapylton	Palmer's Island ...	30	15 3	do	*180	Quarters	3 0 0	ann.
						Porterage	3 0 0	ann.
						Light	26 0 0	ann.
Lachlan Stuart Mackay.....	Manly	33	16 3	do	*170	Quarters	4 0 0	ann.
						Cleaning	2 0 0	ann.
						Forage	4 0 0	ann.
George John Dennis	Merimbula	35	14 1	do	*170	Quarters	26 0 0	ann.
						Light	4 0 0	ann.
William George Drew	Bodalla	33	14 6	do	*170	Quarters	3 0 0	ann.
						Forage	3 0 0	ann.
						Light	3 0 0	ann.
Richard Edmond Done	Nambucca	45	13 8	do	*170	Quarters	3 0 0	ann.
						Light	3 0 0	ann.
Charles Oscar Smith	Mulwala	33	12 7	do	*170	Quarters	3 0 0	ann.
						Light	3 0 0	ann.
Ernest Valentine Blackwell	Pilliga	30	14 0	do	*170	Lieu of quarters	26 0 0	ann.
						Light	3 0 0	ann.
						Cleaning	6 10 0	ann.
Arthur Richard Johannis	Hill End	29	13 3	do	*170	Quarters	3 0 0	ann.
Meynink.						Light	3 0 0	ann.
						Cleaning	3 0 0	ann.

¹ Also Warden's Clerk and Mining Registrar. ² Does not perform Money Order and Savings Bank duties sale of beer excise duty stamps. ³ Does not perform Savings Bank duties. ⁴ Also District Registrar Aborigines under A. F. Board. ⁵ Also repairs telegraph lines. ⁶ Less 4 per cent.

⁷ Also Meteorological Observer. ⁸ Also agent for Also repairs telegraph lines, and Supervisor of

Name.	Office to which attached.	Age.	Length of Service.		Nature of duties performed.	Salary per annum.	Allowances.		
			years.	yrs. ms.			ature.	Amount.	Per
						£	£ s. d.		
Jesiah Metcalf	Oberon	29	14	10	¹ See notes on page 39 ...	*170	Quarters .....	...	...
							Light	2 0 0	ann.
Samuel Hall Phillips	South Grafton	33	15	1	do	*170	Quarters .....	...	...
							Porterage	25 12 0	ann.
							Cleaning	3 0 0	"
							Light	3 10 0	"
Robert Angus Thomson.....	Taralga	31	13	6	² do	*170	Quarters .....	...	...
							Light	2 0 0	ann.
Wm. Jno. Lobb Kyle.....	Manilla	30	13	10	do	*170	Quarters .....	...	...
							Light	3 0 0	ann.
							Cleaning	3 0 0	"
Cuthbert Raspison Bonsfield	South Woodburn ...	27	12	5	do	*170	Quarters .....	...	...
							Light	4 5 0	ann.
							Cleaning	3 0 0	"
							Porterage	20 0 0	"
James Thomas Ward	Tinonee.....	34	13	5	do	*170	Quarters .....	...	...
							Light	3 10 0	ann.
Allan Thomas M'Millan ...	Lawrence	27	13	0	³ do	*170	Quarters .....	...	...
							Porterage	13 0 0	ann.
							Cleaning	3 0 0	"
							Light	2 10 0	"
John Alexander Sinclair ...	La Perouse	28	13	6	^{4 5} do	*170	Lieu of quarters	26 0 0	"
							Light	4 0 0	"
							Cleaning	13 0 0	"
Alfred Murdoch Kennedy...	Euston	29	14	0	³ do	*170	Quarters .....	...	...
							Forage	40 0 0	ann.
							Light	4 0 0	"
Edward Joseph Cornell	Pambula	29	10	11	do	*170	Quarters .....	...	...
							Light	2 0 0	ann.
Arthur Bellamy	Mossgiel	27	10	6	do	*170	Quarters .....	...	...
							Light	3 10 0	ann.
Charles George Kebby	Eden	28	16	2	do	*170	Quarters .....	...	...
							Porterage	15 0 0	ann.
							Light	3 0 0	"
Joseph Claxton	Cudal.....	31	11	0	do	*170	Lieu of quarters	36 0 0	"
							Light	3 0 0	"
							Cleaning	3 0 0	"
Samuel Ridler Millard	Rylstone	34	13	2	do	*170	Quarters .....	...	...
							Cleaning	6 0 0	ann.
							Light	2 0 0	"
Melbourne Sydney Dargin	Woollahra	32	15	9	do	*170	Quarters .....	...	...
Henry James Tomkins	Lake Cudgellico	29	12	0	do	*170	Quarters .....	...	...
							Light	4 0 0	ann.
Mrs. E. J. Ormonde Stuckey	Surry Hills	40	8	1	do	*170	Quarters .....	...	...
Edward Dean	Woodburn	30	8	4	³ do	*170	Quarters .....	...	...
							Cleaning	3 0 0	ann.
							Light	3 0 0	"
							Forage	45 12 6	"
Thomas Lloyd Coughlan ...	Bungendore	25	10	11	do	*170	Quarters .....	...	...
							Light	4 0 0	ann.
William Allan	Tareena.....	40	8	1	^{3 4} do	*170	Quarters .....	...	...
							Forage	45 12 6	ann.
							Light	3 0 0	"
							Water	31 4 0	"
James Waddell	Adaminaby	39	14	2	³ do	*170	Quarters .....	...	...
							Light	2 10 0	ann.
Miss Angelina Dargin	Randwick.....	33	12	10	do	*170	Quarters .....	...	...
							Cleaning	5 4 0	ann.
Miss Henrietta Jane North..	Edgecliff	55	14	4	do	*170	Quarters .....	...	...
							Cleaning	3 0 0	ann.
							Forage	45 12 6	"
Henry Litchfield	Fernmount	35	14	3	do	*170	Quarters .....	...	...
							Light	3 10 0	ann.
Arthur Joseph Flanders.....	Ulmarra	29	17	3	⁶ do	*170	Porterage	0 10 0	trip
							Quarters .....	...	...
							Cleaning	3 0 0	ann.
							Porterage	13 0 0	"
Thomas Frederick Bell ...	Tuena	28	13	5	do	160	Light	3 0 0	"
							Quarters .....	...	...
Rosa Eliz. Wilhelm. Gibbes	Stanmore Road	32	12	0	⁷ do	*160	Light	3 0 0	ann.
Lewis Alexander Tomkinson	Sunny Corner	29	14	5	do	*160	Quarters .....	...	...
							Quarters .....	...	...
							Light	2 0 0	ann.
Thomas Barclay ...	Pooncarie ..	26	11	3	^{3 8} do	*160	Quarters .....	...	...
							Forage	45 12 6	ann.
							Light	4 0 0	"
William Dixon Bailey	Kiandra	34	9	3	^{9 10} do	*160	Quarters .....	...	...
							Light	3 0 0	ann.
John Wm. Spicer Isaacs ...	Deepwater	27	10	6	¹⁰ do	*160	Quarters .....	...	...
							Light	3 0 0	ann.
Henry Alexander Wetherall	Marsden's.....	25	8	4	³ do	*160	Quarters .....	...	...
							Cleaning	3 0 0	ann.
							Light	3 0 0	"
							Water	3 18 0	"

¹ Also District Registrar. ² Does not perform Savings Bank duties. ³ Also repairs telegraph lines. ⁴ Does not perform Money Order or Savings Bank duties. ⁵ Makes out and adjusts accounts with Cable Company and Head Office. ⁶ Also Assistant District Registrar. ⁷ Also sells tram tickets. ⁸ Does not perform Savings Bank duties; also Commissioner for taking Affidavits for Supreme Court. ⁹ Also Meteorological Observer. ¹⁰ Also Warden's Clerk and Mining Registrar. * Less 4 per cent.

Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum	Allowances.		
						Nature.	Amount.	Per.
Mrs. Ellen L. A. Cross	Leichhardt	years. 36	yrs. ms. 14 2	See notes on page 39	*160	Quarters	£ s. d.	...
						Light	2 0 0	ann.
						Cleaning	3 0 0	"
Miss Minnie Louise Knott	Glebe	30	†13 11	1 do	*160	Quarters	3 0 0	ann.
						Cleaning	18 4 0	"
						Cleaning receivers	3 0 0	ann.
Thomas Henry Ella	Howlong	30	15 1	do	*160	Quarters	7 16 0	"
						Light	3 0 0	ann.
						Cleaning	7 16 0	"
John George Willson	Croki	24	10 7	2 do	*160	Quarters	3 10 0	ann.
						Light	7 0 0	"
						Porterage	7 0 0	"
James Simpson	Tabulam	27	10 10	do	*160	Quarters	45 12 6	ann.
						Forage	26 0 0	"
Mrs. Emma H. A. Pegus	Yamba	37	15 9	2 do	*160	Lieu of quarters	13 0 0	"
						Porterage	3 10 0	"
						Light	3 10 0	"
Ebenezer Doust	Paterson	65	13 6	do	*160	Quarters	5 0 0	ann.
						Cleaning	3 10 0	"
						Light	3 10 0	"
George Carolan	Wardell	28	13 3	do	*160	Quarters	3 0 0	ann.
						Cleaning	3 5 0	"
						Porterage	3 10 0	"
						Light	3 10 0	"
John Thomas Molloy	Wee Waa	26	9 5	do	*160	Quarters	5 0 0	ann.
						Light	5 0 0	"
Edwin John Spry	Brushgrove	24	9 5	do	*160	Quarters	52 0 0	ann.
						Porterage	3 10 0	"
						Light	3 10 0	"
George Edward Collett	Marrickville	31	10 0	do	*160	Lieu of quarters	52 0 0	"
						Forage	39 0 0	"
John Batiste Guillier	Tilpa	22	7 4	3 do	*160	Lieu of quarters	26 0 0	"
						Light	3 0 0	"
Mrs. Mary Russell	St. Peters	34	6 9	do	*160	Quarters	2 0 0	ann.
						Light	2 0 0	"
James Arthur Macken	Clifton	36	6 8	do	*160	Lieu of quarters	40 0 0	"
						Light	2 0 0	"
James Alexander Tulloch	Branxton	48	12 9	do	*160	Lieu of quarters	36 8 0	"
						Light	4 0 0	"
William Harris	Waratah	33	14 11	do	*150	Quarters	2 12 0	ann.
						Cleaning	3 0 0	"
James Pearse Carter	Bulahdelah	31	14 0	do	*150	Quarters	3 0 0	ann.
						Light	3 0 0	"
Frank Waller	Sutton Forest	32	15 2	do	*150	Quarters	2 0 0	ann.
						Light	2 0 0	"
Francis Robert M. Scott	Frederickton	31	13 0	2 do	*150	Quarters	4 10 0	ann.
						Light	3 0 0	"
Frank George de Boos	Millie	34	11 0	2 do	*150	Quarters	3 0 0	ann.
						Light	3 0 0	"
Joseph Lance Shambler	Marengo	33	15 0	do	*150	Quarters	3 0 0	ann.
						Light	3 0 0	"
Louis Joseph Coghlan	Robertson	30	13 10	4 do	*150	Quarters	4 0 0	ann.
						Light	6 10 0	"
						Cleaning	3 0 0	"
Walter Redriff	Cooranbong	32	12 0	do	*150	Quarters	2 8 0	"
						Cleaning	2 8 0	"
						Light	3 0 0	ann.
Montgomery Jennings Sheppard.	Greta	27	†9 11	do	*150	Quarters	3 0 0	"
						Light	3 0 0	"
						Cleaning	26 0 0	"
Edward Joseph Collier	Major's Creek	29	11 2	do	*150	Lieu of quarters	5 0 0	"
						Cleaning	2 0 0	"
						Light	3 0 0	"
John Wellesly Connolly	Berrima	33	6 9	do	*150	Quarters	3 0 0	ann.
						Light	30 0 0	"
Robt. J. Farquharson	Blackheath	31	14 8	5 do	*150	Lieu of quarters	4 0 0	"
						Light	3 0 0	"
Edmund Charles Dunne	Burrawang	28	10 9	do	*150	Quarters	3 0 0	ann.
						Light	3 0 0	"
						Cleaning	3 0 0	"
William Dowling	Drake	26	8 8	5 do	*150	Quarters	5 0 0	ann.
						Light	3 10 0	"
						Cleaning	6 0 0	"
Arnott Leslie	Mungindi	25	8 8	3 do	*150	Quarters	6 0 0	ann.
						Light	3 10 0	"
John Horsley	Cobargo	28	11 0	do	*150	Quarters	3 10 0	ann.
						Light	2 0 0	"
George Parfitt Webb	Minmi	33	14 3	do	*140	Quarters	2 0 0	ann.
						Light	3 0 0	"
Miss Eliza Jane West	Darlington	28	9 3	do	*140	Quarters	3 0 0	ann.
						Cleaning	3 0 0	"
Andrew Morton	Copmanhurst	25	12 8	do	*140	Quarters	3 10 0	ann.
						Light	25 0 0	"
James Britten Bisset	Rookwood	28	11 9	do	*140	Lieu of quarters	2 0 0	"
						Light	4 0 0	ann.
William Joseph Gwynne	Carrington	28	10 9	do	*140	Quarters	4 0 0	ann.
						Light	4 0 0	"

1 Also sells tram tickets.

2 Does not perform Savings Bank duties.

3 Does not perform Money Order or Savings Bank duties.

4 Also repairs telegraph

lines. 5 Also agent for sale of beer excise duty stamps.

* Less 4 per cent.

† Not continuous.

Name	Office to which attached	Age	Length of Service		Nature of duties performed	Salary per annum	Allowances		
			years.	yrs ms			Nature	Amount	Per
William Faithful Nelson	Harwood Island	23	8	8	See notes on page 39	*140	Quarters Light	3 0 0	ann
George Colclough Kirwan	Kunijong	30	10	8	1 do	*140	Cleaning Light	3 0 0 2 0 0	" "
Eleonard Adam	Broadwater	30	10	1	do	*140	Quarters Light	3 10 0	ann
John Campey	Harden	25	8	0	do	*140	Lieu of quarters Cleaning Light	26 0 0 1 10 0 2 0 0	" " "
Miss Mary Jane Davies	Hunter's Hill	47	14	7	do	*140	Quarters Attending local Telephone Ex change Cleaning Light	26 0 0 3 0 0 3 0 0	ann. " "
John Dodd Beckett	Stockton	27	10	9	do	*140	Quarters Light	3 0 0	ann
Edward John Robbins	St Mary's	30	16	4	2 do	*130	Quarters Light	5 0 0	ann
Miss Annie Halloran	Lower Botany	40	14	1	do	*130	Quarters Light Cleaning	2 0 0 3 0 0	ann "
William Rene Biagg	Wolumla	26	13	4	do	130	Quarters Light	2 10 0	ann.
William John Allen	Mundooran	26	11	6	do	*130	Quarters Light	2 0 0	ann.
Pelham Henry Ellar Aldrich	Foster	28	11	11	do	*130	Quarters Light	2 0 0	ann
William Ralph Clemenger	Lower Gundaroo	26	7	5	do	*130	Lieu of quarters Light	10 0 0 2 0 0	" "
Albert Edgar Marsden	Kelso	24	7	1	do	130	Quarters Light	2 0 0	ann
James Langley Bennett	Darlington Point	51	5	5	1 do	*130	Light	2 10 0	"
George Christopher Walter	Candelo	28	11	7	do	*130	Quarters Light	5 0 0	ann
Alexander Thomson	Laureton	22	9	3	4 do	*130	Quarters Light Cleaning	4 0 0 1 15 0	ann "
Charles Edwin Stuart	Delegate	33	6	10	1 do	130	Lieu of quarters Light	26 0 0 3 0 0	" "
Duncan M'Rae	Cobbora	21	7	9	do	*120	Quarters Light	3 0 0	ann
William Foster Burgess	Terara	28	10	6	do	120	Quarters Light	2 0 0	ann
Joseph Australia Keating	Nundle	27	10	2	4 do	120	Quarters Light	4 0 0	ann.
Harry Alfred Hoare	Marulan	24	11	10	do	*120	Lieu of quarters Porterage Light	26 0 0 20 0 0 4 0 0	" " "
William Woodley Cumming	Gloucester	25	8	3	1 3 do	*120	Quarters Forage Light	26 0 0 3 0 0	ann. "
Arthur James Knight	Baradine	25	9	7	1 do	*120	Quarters Light	3 0 0	"
Miss Annie Kibble	Denman	23	4	5	do	*120	Quarters Light Cleaning	3 0 0 6 10 0	ann "
George Thomas Palmer	Katoomba	29	7	7	4 do	*120	Quarters Light	3 0 0	ann.
George John Warren	New castle West	47	10	10	do	*120	Quarters		"
Walter George Mason	Huistville Ry Stn	46	15	11	5 do	*120	Lieu of quarters	50 0 0	ann.
Patrick Edward M'Guinness	Gulgambone	26	4	9	1 do	*120	Quarters Light	2 0 0	ann.
John Robert Higgins	Copeland North	24	10	4	do	*120	Quarters Light Cleaning	2 0 0 6 10 0	ann. "
Mrs. Jane Peters	Hamilton	58	10	1	do	*120	Quarters Porterage Light	30 0 0 3 0 0	ann. "
Mrs. Matilda Read	Merriwa	50	6	3	do	*120	Quarters Light	3 10 0	ann.
Miss Blanche Vere Squire	Bioke	28	11	4	1 do	*120	Quarters Light	2 0 0	ann.
Henry Aigyle Kirwan	Riverstone	25	7	6	1 do	*120	Quarters Light	2 0 0	ann.
Edward Quince	Mount Hope	30	8	4	6 do	120	Quarters Light	3 0 0	ann.
Edward Archer Bingham	Abattons	33	11	3	5 do	120	Lieu of quarters Light	26 0 0 3 0 0	" "

1 Does not perform Savings Bank duties

2 Also Assistant District Registrar perform Money Order or Savings Bank duties

3 Also repairs telegraph lines

4 Also District Registrar

5 Does not

6 Also Mining Registrar.

* Less 4 per cent.

Name	Office to which attached	Age	Length of Service	Nature of duties performed	Salary per annum	Allowances.		
						Nature	Amount	Per
		years	yrs. ms		£		£ s d.	
John Joseph Murphy	Lyttleton	25	6 8	^{1 2} See notes at foot	*120	Quarters		
Alexander Ernest Greatrix..	Hairgraves	24	8 3	² do	*120	Light	3 10 0	ann.
Joseph M'Kay	Thackalinga	26	6 7	do	*120	Lieu of quarters	26 0 0	"
Joseph Fredk. Bridekirk	Croydon	30	15 1	² do	*120	Temporary lodging	0 15 0	week.
Herbert Sydney Compton Eckley.	Eugowia	25	7 5	do	*110	Lieu of quarters	45 10 0	ann.
Henry Ousby West	Morangarell	22	7 5	³ do	*110	Quarters		
Robert Galloway	Blackwall	25	6 9	do	*110	Cleaning	3 0 0	ann.
William Newton	Carathool	27	12 3	^{2 †} do	110	Light	3 0 0	"
William Jackson	Nelson's Bay	39	6 6	^{3 †} do	*110	Light	3 0 0	"
Miss Annie Ludford	Summer Hill	24	5 1	do	*110	Quarters		
Miss Barbara Annema Ford	Bowna	36	3 9	do	110	Special allowance	50 0 0	ann.
Henry George Dent	Whitton	26	3 0	do	*110	Porterage	6 0 0	"
Albert Henry Valentine Gosbell	Kogarah	25	10 6	do	110	Light	3 0 0	"
Leon Arthur Hewett	Coolah	24	7 3	² do	*110	Lieu of quarters	20 0 0	"
Miss Lily Isaac	Scone	25	3 1	do	*110	Forage	41 12 0	"
Donald Alexander Rayner	Tweed Heads	23	5 11	² do	*110	Lieu of quarters	20 0 0	"
Charles Denis Logan	Gunninderra	34	8 0	[†] do	*110	Light	3 0 0	"
John Thomas Hurst Thame.	Nevertre	24	7 8	do	110	Lieu of quarters	50 0 0	"
Fredk. Wm O'Brien	Gerringong	26	10 8	do	*110	Light	2 10 0	"
Alexander Lamont Henderson	Tarcutta	23	6 11	² do	*110	Quarters		
Wm. Sinclair Bain	Hillgrove	25	7 1	do	*110	Light	2 0 0	ann.
Stanley Charles Francis	Brunswick	23	6 3	do	*110	Lieu of quarters	50 0 0	"
William Watts	Alexandria	22	7 5	do	110	Light	3 0 0	"
Smclan Wemyss Mackay	Meiwether	27	5 4	[†] do	110	Cleaning	3 0 0	ann.
William Thomas Long	Obley	24	8 0	² do	*110	Quarters		
James Mathew Drum	Trangie	22	6 7	do	*110	Light	3 0 0	ann.
William Henry Cochrane	Gulgandra	22	4 0	² do	*110	Lieu of quarters	26 0 0	"
Herbert James Atkinson	Lawson	22	6 4	do	110	Light	4 0 0	"
George Kinnear Hosking	Dandaloo	24	8 4	² do	*110	Quarters		
Miss. Carohne Myers	Nimitybelle	28	5 7	do	110	Light	3 10 0	ann.
Hugh Reid Campbell	Strathfield	24	7 9	³ do	*110	Lieu of quarters	26 0 0	"
Alfred John Martin	Nambucca Heads	27	7 4	³ do	*100	Light	3 0 0	"
William Walters	Wattle Flat	21	8 0	do	*100	Cleaning	5 0 0	"
Thos Joseph Stanislaus Dignam.	Miller's Point	22	8 2	do	100	Light	2 0 0	"
Sidney Whitney	Enngonia	21	7 0	do	*100	Quarters		
Francis Henry Benson	Coolaman	22	7 2	do	100	Light	3 0 0	ann.
						Lieu of quarters	26 0 0	"
						Light	2 10 0	"

¹ Also Assistant District Registrar ² Does not perform Savings Bank duties ³ Less 4 per cent ⁴ Not continuous ⁵ Also Meteorological Observer ⁶ Does not perform Money Order or Savings Bank duties ⁷ Also repairs telegraph line.

NOTE 1—Except where otherwise specified, the following are the duties performed by the foregoing Post and Telegraph Masters, namely—Receive and despatch mails, sort, register, and deliver correspondence, sell stamps, receive and transmit telegrams, issue and pay Money Orders, receive Savings Bank deposits and pay withdrawals, reply to official correspondence and inquiries by the public, prepare periodical returns, transmit revenue collected, and supervise the work of the office in all its branches.

NOTE 2—All Post and Telegraph Masters receive a commission of 2½ per cent on the sale of duty stamps, and are permitted to levy a fee of £2 2s per annum for each private mail bag they make up for settlers on mail routes.

Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum	Allowances.		
						Nature.	Amount.	Per
POSTAL ASSISTANTS.—Staff, 85.								
John George Elliott	Albury	32	years. 13 5	Assists the Postmaster in the duties of the office generally. (See note on page 39)	£240		£ s. d.	
Andrew Carroll	Haymarket	44	12 4	do do	*240			
Thomas Joseph Lynch . . .	Wagga Wagga	36	14 1	do do	*230			
Richard Fetherston	Newcastle	32	13 4	do do	*230			
Rowland George M'Manis	Parramatta	48	11 6	do do	*220			
John Broderick	Bathurst	47	11 10	do do	*220			
George Dunn	Orange	41	10 10	do do	*200			
Robert George Smith . . .	Wagga Wagga	37	13 11	do do	*190			
James Wm. John Flanagan	Goulburn	27	11 7	do do	*190			
Frederick Money Palmer . .	Forbes	27	11 5	do do	*180			
Wilham Hardcastle	Dubbo	30	11 1	do do	*180			
Alfred C. Bruce Newman . .	Cooma	33	8 4	do do	*180			
Wilham Murr	Newcastle	32	10 7	do do	*170			
Robert Morrisson	Albury	50	†9 10	do do	170			
John Hore Reid	Hay	28	8 10	do do	*170	Rent	20 0 0	ann.
George Henry Tunks	Goulburn	24	8 9	do do	170			
John Thomas Fountam . . .	Denilqum	24	8 9	do do	*180			
Nicholas Weekes	West Maitland	29	8 4	do do	*170			
John Whittaker	Bourke	57	9 2	do do	*170			
Henry George Thornley . . .	Newtown	25	10 8	do do	*160			
John Baker	Oxford street	31	13 1	do do	*160			
Ernest James Vial	Condobolin	28	7 7	do do	160			
Michael Francis Naghten (emergency).	Broken Hill District	24	8 7	do do	*160	Lodgings	0 15 0	week.
Wilham Thomas Taylor . . .	Burwood	24	8 2	do do	*160			
Alfred James Powell	Goulburn	42	†19 3	do do	*160			
Henry Bathurst Eagar	Bathurst	59	9 7	do do	*160			
Wilham Henry Ashworth . . .	Bathurst	29	8 10	do do	*160			
Wilham Clarke	Mudgee	39	8 8	do do	*160			
James Charles Lees	Nairandera	27	8 9	do do	*160			
Charles Powell	Singleton	28	9 4	do do	*150			
Frederick Wilham Brown . . .	Goulburn	32	10 10	do do	*150			
Wilham Joseph Lees	Glen Innes	22	10 4	do do	*150			
Walter Baxter	Tamworth	28	7 7	do do	*150			
John Andrew Clulow	Park street	30	6 5	do do	*150			
Harry Lambert Wheeler . . .	Muswellbrook	27	9 3	do do	*150			
Francis Allen Murr	Young	26	7 6	do do	*150			
John Francis Keelty	Wentworth	28	12 1	do do	*140			
William Edward Puller	Newcastle	27	10 11	do do	*140			
William George Payne	Armidale	24	10 11	do do	*130			
James Thomas Baker	Cooma	23	10 3	do do	*130			
Eugene Vincent Coleman . . .	Narrabri	26	6 9	do do	*130			
George Boseley	King street	28	6 2	do do	*130			
William Vincent O'Mara	Walgett	22	8 6	do do	*130			
Arthur Edward Hammond . . .	Moama	25	10 3	do do	*130			
Thomas M'Arthur	Inverell	23	7 6	do do	*120			
Thomas Joseph Bagnell	Dubbo	25	6 5	do do	*120			
Harold George Lambert	Moss Vale	30	4 5	do do	*120			
Patrick Joseph Hagn	Paramatta	23	8 6	do do	*120			
Geo. Fred. Schwinghammer . . .	Grafton	24	7 2	do do	*120			
Arthur Joseph Bastable	Bathurst	29	10 5	do do	*110			
George Thomas Willoughby . . .	Randwick	23	7 9	do do	*110			
William Layton	Cootamundra	23	8 10	do do	*110			
John Nicholas Morrissey	Albury	29	6 4	do do	*110			
William Francis	Hay	26	9 3	do do	110	Rent	30 0 0	ann.
William Abel	Parramatta	23	7 8	do do	*110			
Wm. George Alfred Hilder	Granville	21	6 11	do do	*110			
Geo. Jas. William Holberton . . .	Haymarket	28	3 11	do do	*110			
Wilham Bradford	Goulburn	21	7 4	do do	*110			
John Joseph Curren	Albury	27	8 6	do do	*110			
Edward Harkins Gilbert	Broken Hill	19	2 7	do do	*110	Lodgings	0 15 0	week.
John Thomas Clinch	Redfern	24	6 8	do do	*110			
Abraham Fordham	Broken Hill	23	1 8	do do	*110	Lodgings	0 15 0	week.
John O'Neil	Broken Hill	19	1 8	do do	*110	do	0 15 0	do.
Albert Cottee	Lismore	22	7 7	do do	*110			
Arthur Charles Low	Broken Hill	22	8 5	do do	*110	Lodgings	0 15 0	week.
Francis Henry Percy	Wilcanma	25	7 7	do do	*110	Special allowance	20 0 0	ann.
John Hugh Davies	Armidale	24	7 9	do do	*110			
Thomas Andrew Doherty	Albury	28	5 3	do do	*110			
Frederick Wilham Chave	Wilham street	22	†7 1	do do	*110			
David M'Neil Honnball	The Exchange	22	5 8	do do	*110			
Albert Wilham Sheppard	Mudgee	28	4 7	do do	*110			
James Clement O'Neill	West Maitland	24	7 11	do do	*100			
Abraham Quiseano Henriques . . .	Park street	70	10 8	do do	*100			
Henry West	Denilqum	21	6 11	do do	*100			
Wilham Murnane	Cobar	26	5 8	do do	100			
Wilham Joseph Edwards	Blayney	24	7 6	do do	*100			
Charles Augustus M'Donald	Broken Hill	19	4 7	do do	100	Lodgings	0 15 0	week.
H. J. Phillips (emergency)	Broken Hill District	21	6 5	do do	100	do	0 15 0	do.
Wilham Wycherley Prescott	Armidale	22	7 2	do do	*100			
Albert Pye	Wagga Wagga	24	2 4	do do	*100			
Robert Walter Debenham	Glen Innes	21	6 7	do do	*100			
Robert Wilham Jenkin Bevan	Bourke	22	6 4	do do	*100			
Henry Chapman	Quirindi	32	7 2	do do	*100			
Wilham Bressington	Lithgow	19	5 9	do do	100			
Frederick Madden	Tamworth	22	5 3	do do	*100			

† Also Lieutenant, 4th Regiment Infantry.

‡ Also a member of the local Volunteer Corps.

* Less 4 per cent.

† Not continuous

Name	Office to which attached	Age	Length of Service	Nature of duties performed	Salary per annum		Allowances.		
					Postal	Telegraph	Nature	Amount.	Per
ASSISTANTS AND TELEGRAPH OPERATORS.—Staff, 56.									
John Joseph Molloy . . .	Wilcannia	24	10 0	Assists the Postmaster in the duties of the office generally. (See note on page 39).	£26	*200		£ s. d.	
James Dill Caldwell	Brewarrina	25	10 0	do do	*52	*130			
William Frank Davidson	Wilcannia	23	5 11	do do	*26	*150			
William Smith Ainott .	East Maitland	25	8 10	do do	*120	*52			
Henry Miles Stapylton	Moruya	23	8 11	do do	*62	*110			
Thomas Arthur Pryke	Tenterfield	27	8 3	do do	*150	*20			
Richard Finney	Cowra	29	15 5	do do	*56	*114	Rent	30 0 0	ann.
Douglas Alexander Briggs	Kempsey	28	8 1	do do	*60	*110			
John Buckley	Parkes	24	10 5	do do	*46	*114			
Charles Kennard	Wellington	29	10 10	do do	*108	*52			
William Morris	Moree	21	5 3	do do	*52	*100			
Alfred Morris	Newtown	28	11 0	do do	*40	*110			
John Mooring Lee	Bega	29	9 3	do do	*75	*75			
Selwyn Talbot Pountney	Poit Macquarie	24	8 8	do do	*2	124			
Augustus Fraser	Tumut	24	9 5	do do	*36	*114			
Francis Arthur Gosbell	Petersham	23	9 1	do do	*26	*124			
John Smith	Cootamundra	34	16 4	do do	*40	*110			
Minnie Emmeline Husing	George-street West	29	14 6	do do	*36	*114			
Arthur James Thorpe	Bradwood	25	8 0	do do	*26	*124			
William John Sturt Montgomery	Walgett	22	11 6	do do	*26	*114			
William Simmons	Wollongong	33	7 6	do do	*26	*114			
James Richard Mallam	Murwillumbah	24	6 8	do do	*40	*100			
Michael Joseph Kenney	Manly	30	15 0	do do	*25	*114			
William Arthur Read	Merriwa	25	12 2	do do	*25	*114			
Henry George Kulmar	Balmain	25	10 5	do do	*25	*114			
William Alexander	Windsor	28	10 4	do do	*22	*124			
Lyndon Hedley Kelly	Queanbeyan	27	10 1	do do	78	*52			
Edwd Jas. Kennedy Heazlett	Balranald	22	5 1	do do	50	*75			
Robert Kerr Campbell	Penrith	18	3 4	do do	*10	*110			
Fredk. Alexr Bondfield	Maclean	23	8 0	do do	68	*52	For portage of mails.	0 6 0	week.
Percy John Holt Sewell	Pymont	25	7 2	do do	*35	*75			
Walter Donald Kennedy .	Uralla	19	4 11	do do	*10	*100			
Edwm Henry Taylor	Jereelderie	22	11 6	do do	*75	*35			
Thomas Charles Pugh	Gunnedah	24	6 4	do do	*84	*26			
Frederick Ahrens	Milton	20	5 11	do do	*58	*52			
Frederick Teege Jackson	Surry Hills	22	7 0	do do	*35	*75			
John Stephen English	Tumberumba	20	4 11	do do	*84	*26			
Charles Patrick Gibb	Bega	21	8 9	do do	*35	*75			
Thos. Edgar Gregory	Narrandera	24	8 5	do do	*25	*75			
John Henry Hear	Booligal	22	8 0	do do	*25	*75			
George Thos. Joshua Grace	Hillston	22	6 7	do do	*25	*75			
William Hugh Datson	Coonamble	21	6 5	do do	*25	*75			
Francis Dominic White	Woollahra	23	6 4	do do	*25	*75			
John Hart	Murrickville	22	7 5	do do	*22	*78			
Alfred John Barwick	Urana	21	7 3	do do	*48	*52			
Sydney Ernest Jeffery	Candelo	23	7 0	do do	*48	*52			
George Vickers Dobbie	Taree	23	7 0	do do	*50	*50	For portage of mails.	15 0 0	ann.
Anthony Andrew Farrell	Tamworth	20	5 0	do do	*50	*50			
Herbert Joseph Brown	Liverpool	26	7 5	do do	*35	*85			
Thomas Stokes	Camperdown	19	6 11	do do	*25	*75			
James John Stevens	Summer Hill	21	6 7	do do	*25	*75			
David Williams	Wallsend	20	6 4	do do	*48	*52			
Thomas White	Moss Vale	22	6 0	do do	*90	*10			
Charles Hy. Powell	Bull Railway Station	24	5 3	do do	*48	*52			
Norman Edward Litchfield	South Woodburn	19	5 2	do do	*50	*50			
Joseph Smith	Gosford	20	5 0	do do	*25	*75			
MAIL GUARDS.†—Staff, 24.									
Charles Andrew Hughes	Newcastle	59	14 1	Receives, delivers, and despatches mails on railway line, and stamps and sorts letters and newspapers.	185	...	Travelling	2 10 0	month
Matthew M'Namee	Orange	42	20 0	do do	185	..	do	2 10 0	"
Louis Emanuel	Newcastle	57	13 9	do do	185	..	do	2 10 0	"
John Heffernan	Cootamundra	35	13 1	do do	185	...	do	2 10 0	"
Wm Thomas Pettingell	Cootamundra	55	12 3	do do	185	...	do	2 10 0	"
David M'Conaghy	Cootamundra	41	12 6	do do	180	...	do	2 10 0	"
William David May	Cootamundra	38	11 7	do do	160	...	do	2 10 0	"
Robert Monro	Cootamundra	38	14 1	do do	160	...	do	2 10 0	"
Samuel Fredk. Sandon	Orange	50	29 3	do do	160	...	do	2 10 0	"
Thomas Joseph Dignum	Newcastle	46	11 4	do do	160	...	do	2 10 0	"
Charles Percy Pickering	Cootamundra	26	11 1	do do	160	...	do	2 10 0	"
Samuel Solomon	Cootamundra	31	12 6	do do	160	...	do	2 10 0	"
Henry Stone	Orange	56	6 11	do do	155	...	do	2 10 0	"
Thomas E. Scully	Cootamundra	24	9 5	do do	150	...	do	2 10 0	"
Charles Edmonds	Cootamundra	28	10 2	do do	150	...	do	2 10 0	"

† Also Sergeant Major Mounted Infantry.

* Less 4 per cent.

† Allowed uniform

Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum.	Allowances.		
						Nature.	Amount.	Per
Henry Sandford Leak.....	Orange	25	9 6	Receives, delivers, and despatches mails on railway line, and stamps and sorts letters and newspapers.	£ 140	Travelling	£ 2 10 0	month
David Murdoch	Tamworth	35	13 10	do do	140	do	2 10 0	„
Thomas M' Mahon	Tamworth	27	3 8	do do	130	do	2 10 0	„
Edward Charles Mann	Orange	28	6 8	do do	130	do	2 10 0	„
Fredk. Joseph Jas. Howe...	Tamworth.....	24	6 1	do do	130	do	2 10 0	„
William Wiburd.....	Orange	24	11 8	do do	120	do	2 10 0	„
James Cornelius Mealia.....	Orange	27	4 7	do do	120	do	2 10 0	„
George Hutchison	Murrurundi	23	7 2	do do	104	do	2 10 0	„
Fredk. Wm. Timbrell	Newcastle.....	24	8 5	do do	104	do	2 10 0	„

MAIL BOYS†—Staff, 4.

Alfred Charles Bailey.....	Newcastle.....	21	4 11	Clears receivers, stamps letters, and sorts newspapers.	78	Forage	0 2 0	diem.
Thomas M'Dowell	Balmain	17	2 7	Clears receivers.....	52	do	0 2 0	„
Jonathan White	Haymarket	18	2 4	Convey mails and assist generally in work of office.	52	.....	.....	„
Walter Richard Compton.....	Haymarket	19	1 1	do do	39	.....	.....	„

SENIOR LETTER-CARRIERS†—Staff, 2.

Joseph Smith	Newtown	58	35 11	Delivers correspondence	160	.....	.....	„
John Skehan.....	Newtown	60	22 9	do do	160*	.....	.....	„

LETTER-CARRIERS†—Staff, 98.

Joseph Meehan	Petersham	41	15 6	Delivers correspondence	148	.....	.....	„
Joseph Charles Byrne.....	Newtown	41	14 8	do do	148	.....	.....	„
Denis Madden	Alexandria	40	15 4	do do	148	Forage	0 2 0	diem.
Martin Carty	Newcastle.....	49	20 6	Delivers correspondence, stamps and sorts letters, &c.	148	do	0 2 0	„
James Johnston	Tamworth.....	59	19 5	Delivers correspondence, and clears letter receivers.	148	do	0 3 0	„
John Gleeson	Albury	47	16 10	Delivers correspondence	148	do	0 2 0	„
William Henry Whatham.....	Armidale	35	15 7	Delivers correspondence, receives and despatches mails.	147	do	0 2 0	„
George Terry	Bathurst	54	16 7	Delivers correspondence	147*	.....	.....	„
James Post	West Maitland	45	14 5	Delivers correspondence and clears letter receivers.	138	Forage	0 2 0	diem.
Michael Duffy	St. Leonards	49	14 5	Delivers correspondence	138	do	0 2 9	„
Wm. Henry Latham Hayes.....	Parramatta	30	13 2	do do	138	do	0 2 0	„
George Andrew Fairbairn.....	Newtown	30	14 1	do do	138	.....	.....	„
Michael Hickey	St. Leonards	42	12 5	do do	138	Forage	0 2 9	diem.
Wm. Johnston Kirk Rostron.....	Summer Hill	49	12 4	do do	138*	.....	.....	„
Hugh Templeton.....	Young	45	11 5	Delivers correspondence, stamps and sorts letters, &c.	138	Forage	0 2 0	diem.
John Wenzel	Forbes	45	10 9	Delivers correspondence and sorts letters, &c.	138	For clearing letter receiver.	5 0 0	ann.
William Timbrell	Newcastle.....	44	10 7	Delivers correspondence	138	Forage	0 2 0	diem.
Robert Cumming.....	Tamworth	49	10 7	Delivers correspondence and clears letter receivers.	138	do	0 3 0	„
Francis Maxwell	Balmain.....	39	10 7	Delivers correspondence	138	do	0 2 0	„
George M'Killop	Parramatta	54	10 5	do do	138	Overtime	12 0 0	ann.
John Ryan	Morpeth	58	20 6	Delivers correspondence, clears letter receivers, and conveys mails.	138	Forage	0 2 0	diem.
Robert Lee	Waratah	30	13 7	Delivers correspondence, clears letter receivers, and sorts letters, &c.	127	do	0 2 0	„
James Joseph Daly.....	Lambton	26	12 4	Delivers correspondence, clears letter receivers, and assists generally in work of office.	127	do	0 2 0	„
Fredk. Geo. Farquharson	Leichhardt	32	14 9	Delivers correspondence	127	do	0 2 0	„
Agabus Henry Taylor	Alexandria	28	12 7	do do	127	do	0 2 0	„
William Turkington	Parramatta	33	8 8	do do	127	do	0 2 0	„
Daniel Brennan	Corowa.....	34	7 9	Delivers correspondence and assists generally in work of office.	127	.....	.....	„
Frank Ernest Joseph	St. Leonards	21	12 1	Delivers correspondence	127	Forage	0 2 9	diem.
Charles Sanders	Crafton.....	55	7 3	do do	127	do	0 2 0	„

* Less 4 per cent. † Allowed uniforms.

Name.	Office to which attached.	Age.	Length of Service.		Nature of duties performed.	Salary per. annum.	Allowances.		
			years.	yrs. ms.			Nature.	Amount.	Per
						£	£ s. d.		
Alfred White	Leichhardt	36	7	9	Delivers correspondence and despatches mails.	127	For clearing receiver.	26 0 0	ann.
Patrick Lynch	Balmain	36	7	7	Delivers correspondence	127	Forage	0 2 0	diem.
Edward Francis Dyer	Newtown	45	7	2	do do	127	Overtime	12 0 0	ann.
William Joseph Condell	Balmain	45	7	1	do do	127	.....	.....	.....
Robert William Bale	Broken Hill	27	11	6	Delivers correspondence and opens mails.	127	Overtime	12 0 0	ann.
William Stone	Goulburn	31	6	6	Delivers correspondence and clears letter receivers.	127	Lodging	0 2 0	diem.
George Theobald	Goulburn	52	6	6	do do	127	.....	.....	.....
Henry William Bailey	East Maitland	26	6	4	Delivers correspondence	124	Forage	0 2 0	diem.
Samuel Bertles	West Maitland	42	5	9	Delivers correspondence, clears letter receivers, ties and seals mail bags.	124	do	0 2 0	„
Andrew Paul Lysaught	Wagga Wagga	45	5	8	Delivers correspondence, stamps and sorts letters, &c.	124	do	0 2 0	„
Thomas James Wilshire	Wilcannia	31	5	3	Delivers correspondence	124	Forage	0 2 0	diem.
John Steer	Ryde	32	5	6	do do	124	.....	.....	.....
George John Ruwald	Manly	26	13	8	do do	124	do	0 2 0	„
Walter Robert French	Marrickville	27	9	11	do do	124	do	0 2 0	„
John Johnston	Wollongong	31	7	4	Delivers correspondence, stamps and sorts letters, despatches mails.	124	do	0 2 0	„
John Dolling	Waverley	27	10	0	Delivers correspondence, clears letter receivers, and despatches mails.	124	do	0 2 0	„
William George Peters	Wallsend	27	7	2	Delivers correspondence, clears letter receivers, stamps letters, despatches mails, ties and seals mail bags.	124	do	0 2 0	„
James Cross	Albury	36	5	11	Delivers correspondence	124	do	0 2 0	„
Wm. Miller Thorley	Narrabri	27	5	7	do do	124	do	0 2 0	„
Alfred Wm. Pickering	Petersham	28	5	6	do do	124	.....	.....	.....
James Wood	Redfern	28	8	7	do do	124	.....	.....	.....
Samuel Ward	Dubbo	41	5	8	Delivers correspondence, and despatches mails.	124	Forage	0 2 0	diem.
Prince Alfred Barnett	St. Leonards	25	11	2	Delivers correspondence	124	For clearing receivers.	10 0 0	ann.
Thomas Thompson	Goulburn	26	4	7	Delivers correspondence and clears letter receivers.	124	Forage	0 2 9	diem.
James Root	Redfern	25	11	3	Delivers correspondence	124	.....	.....	.....
Francis Lynch	Wickham	53	7	2	Delivers correspondence, clears letter receivers, and conveys mails.	124	Forage	0 2 0	diem.
John Gillespie	Singleton	22	7	1	Delivers correspondence	124	do	0 2 0	„
Albert James Kulmar	Ashfield	24	6	11	do do	114	do	0 2 0	„
Fredk. Francis Lawrance	Summer Hill	25	6	6	do do	114	do	0 2 0	„
George Ernest Lees	Glen Innes	21	6	3	Delivers correspondence, clears letter receivers, and assists generally in work of office.	114	do	0 2 0	„
James Dochard	Bourke	20	6	4	Delivers correspondence, clears letter receivers, sorts letters, &c., and ties and seals mail bags.	114	.....	.....	.....
Charles Douglas Gardiner	Inverell	27	4	2	Delivers correspondence and clears letter receivers.	114	Forage	0 2 0	diem.
William Thomas Mockett	Bathurst	22	7	6	Delivers correspondence	114	do	0 2 0	„
George Henry Lees	Waverley	23	7	0	Delivers correspondence, clears letter receivers, and despatches mails.	114	do	0 2 0	„
Thomas Wm. Cambridge	Windsor	29	4	6	Delivers correspondence, clears letter receivers, stamps and sorts letters, &c.	114	do	0 2 0	„
John Joseph Quinn	Albury	23	6	11	Delivers correspondence	114	do	0 2 0	„
George Sumners	Háy	23	5	6	Delivers correspondence, clears letter receivers, and sorts newspapers.	114	For clearing receivers.	10 0 0	ann.
John Molloy	Wagga Wagga	22	7	11	Delivers correspondence, stamps and sorts letters, &c., and despatches mails.	114	.....	.....	.....

Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum.	Allowances.		
						Nature.	Amount.	Per
John Nelson Rowe	Deniliquin	24	8 4	Delivers correspondence and sorts letters, &c.	£ 114	Forage	£ 0 2 0	diem.]
John Quealy	Petersham	22	5 0	Delivers correspondence	114	do	0 2 0	„
Herbert Thos. Davis	Balmain	21	4 6	do do	114	do	0 2 0	„
Henry Thomas Garlick	Parramatta	25	3 9	do do	114	do	0 2 0	„
John Ryan	Orange	28	3 7	Delivers correspondence, stamps and sorts letters, &c.	114	do	0 2 0	„
Charles Robertson	St. Leonards	23	7 7	Delivers correspondence and enters unclaimed letters.	114	do	0 2 0	„
George Edwin Wilton	Liverpool	27	5 2	Delivers correspondence	104	do	0 2 0	„
Fredk. Wm. Moody	Goulburn	26	4 0	Delivers correspondence and clears letter receivers.	114	do	0 2 0	„
Wm. Alfred Connor	St. Leonards	23	7 7	Delivers correspondence	104	.....	.....	.....
James Harwood	Hunter's Hill	25	8 10	do do	104	Forage	0 2 0	diem.
						For making up and despatching early morning mails.	10 0 0	ann.
John Turner	St. Peters	21	4 6	Delivers correspondence, clears letter receivers, and despatches mails.	104	.....	.....	.....
Harry Josiah Switzer	Grafton	32	2 9	Delivers correspondence	104	Forage	0 2 0	diem.
John Stein	Granville	24	7 10	Delivers correspondence and clears letter receivers.	104	do	0 16 0	week.
John Joseph M'Donogh	Burwood	26	3 8	do do	104	do	0 2 0	diem.
George John Morgan	Broken Hill	19	2 8	Delivers correspondence, clears letter receivers, and opens mails.	104	do	0 3 6	„
Joseph Charles Ramsay	East Maitland	21	8 3	Delivers correspondence	104	Lodging	0 2 0	„
George Fussell	Burwood	22	7 9	Delivers correspondence and despatches mails.	104	Forage	0 2 0	diem.
John Ford	Hay	21	7 1	Delivers correspondence, clears letter receivers, and stamps letters, &c.	104	For clearing receivers.	52 0 0	ann.
William Redmond	Mudgee	24	6 11	Delivers correspondence and sorts newspapers.	104	.....	.....	.....
William Thos. Stevens	Leichhardt	20	5 4	Delivers correspondence	104	Forage	0 2 0	diem.
Andrew Patrick Lysaught	Wagga Wagga	20	4 11	Delivers correspondence, stamps letters, &c., sorts newspapers, ties and seals mail-bags.	104	Clearing receivers.	10 0 0	ann.
John Carruthers	Petersham	27	3 6	Delivers correspondence	104	.....	.....	.....
Edward Sanders	Burwood	25	3 5	Delivers correspondence and clears letter receivers.	104	Forage	0 2 0	diem.
John David Tyter	Silverton	23	10 5	Delivers correspondence and assists generally in work of office.	104	Lodging	30 0 0	ann.
Wm. John Kimber	Broken Hill	20	6 8	Delivers correspondence and opens mails.	104	do	0 2 0	diem.
William Parker	Five Dock	19	3 6	Delivers correspondence	104	Forage	0 2 0	„
George Henry Smedley	Botany	27	1 6	do do	104	do	0 2 0	„
Thomas Garaty	Wallsend	19	1 4	Delivers correspondence, clears letter receivers, stamps letters, sorts newspapers, ties and seals mail-bags.	104	do	0 2 0	„
Denis Shiels	Ashfield	31	6 6	Delivers correspondence	104	.....	.....	.....
Denis Bowes	Newcastle	25	1 0	Delivers correspondence and stamps letters.	104	.....	.....	.....
Benjamin Rowland Harkus	Moruya	20	0 6	Delivers correspondence and assists generally in work of office.	104	.....	0 2 0	diem.

STAMPER AND SORTER.—Staff, 1.

James Caldwell	Goulburn	52	11 11	Stamps and sorts letters, &c., and acts as letter-carrier in case of emergency.	150
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Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum.		Allowances.		
					Postal.	Telegraph.	Nature.	Amount.	Per

TEMPORARY POSTAL ASSISTANTS.—Staff, 96.

		years.	yrs. ms.			£	£		£ s. d.	
Peter Phillips	Yass	23	7 0	¹ Assists the Postmaster in the duties of the office generally. (See note on page 39.)	do	22	...	...	...	...
Miss Jean Knott	Glebe	28	6 3	² do	do	52	26	...	...	...
Mrs. Helen Hope	St. Leonards	34	*4 3	do	do	110	...	...	...	...
W. Guest	Boggabri	21	6 0	² do	do	50	26	...	...	...
J. D. Falconer	Nyngan	21	6 1	³ do	do	52	52	...	...	...
H. Dyce	Gunning	25	*3 11	⁴ do	do	50	6/10/-	...	...	...
Kinnear Robertson	Walcha	21	5 9	³ do	do	50	26	...	...	...
J. B. Towner	Woodburn	19	5 9	³ do	do	26	26	Porterage.	25 0 0	ann.
A. E. Parker	Molong	22	5 8	³ do	do	75	52	...	...	...
H. Stuart	Murrurundi	22	5 7	do	do	78	...	...	...	...
D. Ross	Goodooga	20	5 5	³ do	do	52	26	...	...	...
F. Smythe	Ulmarra	20	5 4	⁵ do	do	75	13	...	...	...
J. Y. Tulloch	Branxton	23	5 2	do	do	52	...	...	...	...
W. C. Workman	Tumut	23	5 1	³ do	do	20	52	...	...	...
P. J. Glynn	Pictou	22	5 0	² do	do	26	52	...	...	...
J. Ingram	Dubbo	18	4 9	do	do	84	...	...	...	...
J. N. Kirkwood	Scone	19	4 9	² do	do	10	52	...	...	...
W. J. Dawson	Moruya	21	4 9	³ do	do	13	39	...	...	...
Miss A. Pegus	Leichhardt	26	4 8	² do	do	52	26	...	...	...
C. N. Partiss	Granville	20	4 7	do	do	70	...	...	...	...
R. Newell	Dungog	20	4 7	⁴ do	do	62	6/10/-	...	...	...
E. G. M'Colough	Balranald	20	4 6	do	do	77	...	...	...	...
C. H. Lawson	Grafton	20	4 6	do	do	63	...	...	...	...
W. J. Oswald	Clifton	17	4 5	³ do	do	20	39	Porterage.	12 0 0	ann.
F. B. Thorley	Newcastle	19	4 3	do	do	90	...	...	...	...
G. J. T. Lowe	East Maitland	19	4 2	do	do	30	...	...	...	...
Arthur Cooper	Katoomba	18	4 2	⁴ do	do	60	6/10/-	...	...	...
William Rinkin	Harden	20	4 2	³ do	do	10	26	...	...	...
W. J. Cain	Taralga	20	4 2	³ do	do	30	26	...	...	...
H. C. Carolan	Lawrence	18	4 0	³ do	do	26	39	Forage, for delivering correspondence.	26 0 0	ann.
G. Sharpe	Braidwood	19	4 0	³ do	do	36	26	...	...	...
D. S. Strickland	Copeland North	19	4 0	³ do	do	10	26	...	...	...
Miss Julia Hiley	Waverley	21	3 11	do	do	37/10/-	...	...	...	...
M. O'Shannessy	Crookwell	21	3 10	³ do	do	50	26	...	...	...
S. L. Hancock	Burrowa	21	3 10	³ do	do	26	26	For clearing receivers.	13 0 0	ann.
C. E. Gibson	Palmer's Island	23	3 9	³ do	do	26	26	...	...	...
J. Chisholm	Gloucester	20	3 8	² do	do	26	26	...	...	...
J. Wallace	Wingham	20	3 7	¹ do	do	39	26	...	...	...
B. L. Edwards	Port Macquarie	19	3 4	¹ do	do	26	26	...	...	...
Alfred Payne	Lambton	21	3 2	² do	do	52	6/10/-	...	...	...
H. C. Hadley	Cudal	18	3 1	¹ do	do	26	26	...	...	...
J. W. Murphy	Gilgandra	18	2 10	do	do	52	...	...	...	...
H. R. Dwyer	Bowral	18	2 9	do	do	50	...	...	...	...
Edwin A. Black	Yamba	17	2 6	¹ do	do	13	39	...	...	...
W. H. Butler	Goulburn	19	2 6	do	do	76	...	...	...	...
W. M'Rae	Stroud	17	2 5	¹ do	do	20	26	...	...	...
J. F. Mackel	Wollongong	19	2 3	do	do	75	...	...	...	...
Henry Hyman	Barrington	16	2 1	² do	do	26	6/10/-	...	...	...
John M. Grill	Tinonee	20	1 10	² do	do	45/10/-	6/10/-	...	...	...
H. C. Frazer	Hillgrove	16	1 10	³ do	do	45	45	...	...	...
Henry David Evans	Marulan	16	1 9	¹ do	do	23	13	...	...	...
Thomas Eeles	Tarcutta	15	1 6	do	do	36	...	...	...	...
Edward T. Lovelee	Narrabri	18	1 5	² do	do	26	6/10/-	...	...	...
James Curran	Gulgong	26	4 2 ³	do	do	90	...	...	...	...
James Price Taylor	Corowa	15	0 11	do	do	26	...	...	...	...
Edwin Alfred May	Nambucca	17	0 10	do	do	26	...	...	...	...
Mrs. Eliza de Trevana	Denman	43	6 1 ³	⁴ do	do	10	52	...	...	...
Mrs. Lily Ann Isaac	Scone	25	3 8	do	do	50	...	...	...	...
Preston Argall	Burwood	19	4 11	⁴ do	do	26	52	...	...	...
Thomas E. Mulholland	Temora	20	4 5	⁴ do	do	26	52	...	...	...
Arthur W. Gregg	Fernmount	18	3 9	¹ do	do	13	26	...	...	...
Edward Thos. M'Glinn	West Maitland	17	2 3	do	do	55	...	...	...	...
Fritz Zglinicki	Camden	23	1 5	² do	do	50	6/10/-	...	...	...
Harold O. S. Tarbolton	Coonabarabran	18	0 10	¹ do	do	26	26	...	...	...
Miss Gabriella Tobin	Tumbulgum	21	0 8	³ do	do	15	15	...	...	...
Miss Eliza Mary North	Edgecliff	61	0 8	do	do	26	...	...	...	...
Ruthven V. P. Flanagan	Canowindra	21	5 1	do	do	50	...	...	...	...
Alfred Ernest Bryson	Goulburn	20	0 6	do	do	52	...	...	...	...
Frank F. Bancroft	Rockdale	18	3 3	⁴ do	do	13	26	...	...	...
Miss Natalie Marx	Wiseman's Ferry	14	0 5	³ do	do	20	...	...	...	...
George J. Stibbard	Murrumburrah	20	3 10	⁴ do	do	10	75	...	...	...
John Hay	Stockton	19	4 10	¹ do	do	17/10/-	17/10/-	...	...	...
Edward Parker	Tenterfield	16	2 8	¹ do	do	13	26	...	...	...
Ernest Chapman	Homebush	18	4 5	⁴ do	do	13	75	...	...	...
W. E. Hogan	Wellington	19	2 9	do	do	52	...	...	...	...
James Hatton	Mundooran	14	0 5	do	do	26	...	...	...	...

¹ Also Temporary Letter-carrier at £78 per annum. ² Also Telegraph Operator. ³ Also Telegraph Messenger. ⁴ Also Telegraph Probationer. ⁵ Also Telegraph Assistant. * Not continuous.

Name.	Office to which attached	Age.	Length of Service.		Nature of duties performed.	Salary per annum.		Allowances		
			years.	yrs. ms.		Postal	Tele-graph	Nature.	Amount.	Per
Oliver Gordon	Wee Waa	17	0	4	Assists the Postmaster in the duties of the office generally. (See note on page 39).	£ 52	£ .....	.....	£ s. d.	.....
Thomas E. Love	Rylstone	18	2	7 ¹	do do	13	26	.....	.....	.....
William Robertson	Minmi	16	0	4 ¹	do do	20	26	.....	.....	.....
William Patrick O'Neill	Lyttleton	15	2	8	do do	52	.....	.....	.....	.....
John Ernest Warne	Burrawang	20	0	4	do do	50	.....	.....	.....	.....
William M'Skimming	St. Peters	20	3	1 ¹	do do	26	52	.....	.....	.....
John James Sheedy	Berry	19	5	11 ³	do do	37/10/-	37/10/-	.....	.....	.....
Stephen Morris	Waratah	17	1	5 ²	do do	30	6/10/-	.....	.....	.....
James W. Adams	Narrandera	17	1	1	do do	26	.....	.....	.....	.....
Albert Langford Lister	Oxford-street	17	0	3	do do	50	.....	.....	.....	.....
Herbert L. Jenner	Wickham	17	2	3 ¹	do do	18	26	.....	.....	.....
Edgar John Aildis	Young	14	0	3	do do	52	.....	.....	.....	.....
Jane Peters, junr.	Hamilton	20	0	3	do do	25	.....	.....	.....	.....
Charles Edward Leak	Orange	19	1	9	do do	80	.....	.....	.....	.....
E. W. Wormald	Byrock	17	3	3 ¹	do do	20	39	.....	.....	.....
Alfred Garnsey Betts	George-street West	21	0	5	do do	65	.....	.....	.....	.....
Joseph A. Champion	Riverstone	16	0	5 ³	do do	26	6/10/-	.....	.....	.....
M. Ryan	Nowra	17	3	10 ²	do do	30	30	.....	.....	.....
John M'Fadden	Araluen	19	0	1 ²	do do	26	6/10/-	.....	.....	.....
Frank C. Gillett	Cowra	19	3	10 ³	do do	26	26	.....	.....	.....

TEMPORARY POSTAL ASSISTANTS (who are wives or near relatives of the officers in charge, or who are officials of the Railway Department).—Staff, 96.

Mary R. Waddell	Adamimby				Assists the Postmaster in the duties of the office generally. (See note on page 39).	20	.....	.....	.....	.....
Fanny E. Bray	Adelong				do do	52	.....	.....	.....	.....
Eliza L. Armstrong	Appin				do do	26	.....	.....	.....	.....
Elizabeth Hunter	Ballina				do do	30	.....	.....	.....	.....
Kate M. Black	Barranjoey				do do	15	.....	.....	.....	.....
Mary Chapple	Bateman's Bay				do do	15	.....	.....	.....	.....
Jane Toose	Bellbrook				do do	10	.....	.....	.....	.....
Louisa Falconer	Bendemeer				do do	20	.....	.....	.....	.....
Amelia M. Connolly	Berrima				do do	15	.....	.....	.....	.....
H. B. Madden*	Binalong				do do	12	.....	.....	.....	.....
F. A. Mitchell*	Blackheath				do do	5	.....	.....	.....	.....
Elizth. H. Drew	Bodalla				do do	15	.....	.....	.....	.....
Henry J. Neville*	Bowning				do do	20	.....	.....	.....	.....
John Alt	Breadalbane				do do	20	.....	.....	.....	.....
Hannah E. Coughlan	Bungendore				do do	30	.....	.....	.....	.....
Agnes S. M. Elliott	Burrowa				do do	30	.....	.....	.....	.....
Mary Mackel	Campbelltown				do do	50	.....	.....	.....	.....
W. Foster*	Capertee				do do	10	.....	.....	.....	.....
Fanny W. Hosking	Carcoar				do do	50	.....	.....	.....	.....
Clara Cox	Cargo				do do	20	.....	.....	.....	.....
Rosa Scott	Casino				do do	55	.....	.....	.....	.....
Eliza Miner	Cassilis				do do	25	.....	.....	.....	.....
Jane Atkinson	Clarence Town				do do	26	.....	.....	.....	.....
Clara D. Redriff	Cooranbong				do do	12	.....	.....	.....	.....
Jane Davies	Cootamundra				do do	20	.....	.....	.....	.....
Catherine Morton	Copmanhurst				do do	15	.....	.....	.....	.....
Mary Moffit	Coraki				do do	30	.....	.....	.....	.....
Mary Small	Euabalong				do do	Nil.	.....	.....	.....	.....
F. J. Lansdowne*	Emu Plains				do do	10	.....	.....	.....	.....
Sarah Litchfield	Fernmount				do do	26	.....	.....	.....	.....
W. Montgomery*	George's Plains				do do	10	.....	.....	.....	.....
Eliza D. Chapman	Germanton				do do	50	.....	.....	.....	.....
Mary E. Logan	Gimunderia				do do	20	.....	.....	.....	.....
Eliza Parr	Gosford				do do	52	.....	.....	.....	.....
Augusta C. Olson	Grenfell				do do	50	.....	.....	.....	.....
Clara Smith	Gundagai				do do	25	.....	.....	.....	.....
Johanna Nelson	Harwood Island				do do	17	.....	.....	.....	.....
Liha Meynink	Hill End				do do	40	.....	.....	.....	.....
W. Paddock*	Hilltop				do do	5	.....	.....	.....	.....
Arthur Thompson*	Homebush				do do	5	.....	.....	.....	.....
Mary A. Ella	Howlong				do do	26	.....	.....	.....	.....
Susannah Rowland	Inverell				do do	75	.....	.....	.....	.....
Catherine A. Fowler	Jereeldene				do do	28	.....	.....	.....	.....
Ada Marsden	Kelso				do do	40	.....	.....	.....	.....
Isabel M. Gosbell	Kogarah				do do	15	.....	.....	.....	.....
Louisa M. Rowthorn	Lambton				do do	30	.....	.....	.....	.....
Eva M'Millan	Lawrence				do do	20	.....	.....	.....	.....
Francis E. Thomas	Lithgow				do do	52	.....	.....	.....	.....
Maria Burgis	Liverpool				do do	20	.....	.....	.....	.....
Eliza Clemenger	Lower Gundaroo				do do	12	.....	.....	.....	.....
Mary Kyle	Manilla				do do	26	.....	.....	.....	.....
Susan J. Weatherall	Marsden's				do do	10	.....	.....	.....	.....
Margaret J. Read	Merrivale				do do	13	.....	.....	.....	.....
Catherine Dignan	Miller's Point				do do	25	.....	.....	.....	.....
Mary de Boos	Millie				do do	26	.....	.....	.....	.....
Robert Small*	Millthorpe				do do	12	.....	.....	.....	.....

¹ Also Telegraph Messenger. ² Also Telegraph Probationer. ³ Also Telegraph Operator
* Principally employed by Railway Department, from which he receives the major portion of his remuneration.

Name	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum.	Allowances.		
						Nature.	Amount.	Per
Bertha M. Dowling	Mogil Mogil	years.	yrs. ms.	Assist the Postmaster in the duties of the office generally. (See note on page 39).	£ 20	.....	£ s. d.	...
Bridget M. H. Munro	Moree . . . . .	..	..	do do	40	..	..	..
Francis Wakely	Morpeth . . . . .	..	..	do do	25	..	..	..
Marion Bellamy	Mossgiel . . . . .	..	..	do do	30	..	..	..
Sarah Prott	Mount Victoria . . . . .	..	..	do do	25	..	..	..
Eliza M. Done	Nambucca . . . . .	..	..	do do	12	..	..	..
R. Fryer*	Newbridge . . . . .	..	..	do do	25	..	..	..
Eliza Roberts	Nowra . . . . .	..	..	do do	60	..	..	..
Emilie Metcalf	Oberon . . . . .	..	..	do do	25	..	..	..
Sarah Kelett	Penrith . . . . .	..	..	do do	50	..	..	..
Eliza A. G. Mulligan	Port Macquarie . . . . .	..	..	do do	30	..	..	..
Elizabeth Wakely	Raymond Terrace . . . . .	..	..	do do	52	..	..	..
Mary A. Moyses	Redfern . . . . .	..	..	do do	40	..	..	..
Adelaide Day	Richmond . . . . .	..	..	do do	50	..	..	..
May Coghlan	Robertson . . . . .	..	..	do do	10	..	..	..
Julia M. Kelly	Rockley . . . . .	..	..	do do	25	..	..	..
J. C. White	Rydal . . . . .	..	..	do do	10	..	..	..
Lily A. Isaac	Scone . . . . .	..	..	do do	50	..	..	..
Jessie Kenane	Silverton . . . . .	..	..	do do	40	..	..	..
Margaret Holahan	Smith Town . . . . .	..	..	do do	15	..	..	..
Alice M. Hayes	Sofala . . . . .	..	..	do do	40	..	..	..
Eleanor Philips	South Grafton . . . . .	..	..	do do	52	..	..	..
W. Robinson*	Springwood . . . . .	..	..	do do	5	..	..	..
Emily A. Tomkinson	Sunny Corner . . . . .	..	..	do do	12	..	..	..
Mary A. Sampson	Tabulam . . . . .	..	..	do do	25	..	..	..
A. E. Franklin*	Tarana . . . . .	..	..	do do	10	..	..	..
Ellen M. Burgess	Terara . . . . .	..	..	do do	12	..	..	..
S. G. Beer*	Thirlmere . . . . .	..	..	do do	10	..	..	..
Mary C. Mitchell	Tingha . . . . .	..	..	do do	40	..	..	..
Adelaide Dunne	Tocumwall . . . . .	..	..	do do	20	..	..	..
Elizabeth Lee	Trunkey Creek . . . . .	..	..	do do	20	..	..	..
Janet Lublin	Urana . . . . .	..	..	do do	30	..	..	..
Charlotte A. Mead	Wallerawang . . . . .	..	..	do do	25	..	..	..
Esther Keohan	Wallsend . . . . .	..	..	do do	26	..	..	..
Bridget Carolan	Wardell . . . . .	..	..	do do	26	..	..	..
Alice Newbery	Warialda . . . . .	..	..	do do	26	..	..	..
Alice Verdon	Werris Creek . . . . .	..	..	do do	26	..	..	..
Fanny Williams	West Kempsey . . . . .	..	..	do do	40	..	..	..
Margaret Dick	Windsor . . . . .	..	..	do do	35	..	..	..
Annie C. Young	Yetman . . . . .	..	..	do do	20	..	..	..

TEMPORARY LETTER CARRIERS†.—Staff, 126.

H. J. Kirwan	Windsor	70	11 9	Delivers correspondence and clears letter receivers.	48	.....	.....	...
J. Houghton	Richmond	60	11 7	do do	100	Forage	0 2 0	diem.
F. C. Peters	Hamilton	18	7 1	Delivers correspondence	75	..	0 2 0	..
H. Moore	Strathfield	22	6 10	Delivers correspondence, clears letter receivers, and despatches mails.	96	..	0 2 0	..
A. N. Atkinson	Singleton	56	6 9	Delivers correspondence	120	..	0 2 0	..
W. M'Donald	Queanbeyan	19	6 8	Delivers correspondence and assists generally in work of office.	60	..	0 1 0	..
E. E. Englert	Tamworth	22	5 6½	Delivers correspondence	65	..	..	..
S. Goddard	Narrandera	20	6 1	do do	88	Forage	0 2 0	diem.
W. J. Bennett	Newtown	20	6 0	do do	60	..	0 2 0	..
A. E. South	Randwick	20	6 0	Delivers correspondence and clears letter receivers.	75	..	..	..
E. A. Monks	Parramatta	21	5 11	Delivers correspondence	75	Forage	0 2 0	diem.
S. Joseph	Casino	19	5 10	Delivers correspondence and assists generally in work of office.	65	..	0 2 0	..
J. Chippindale	Granville (Prospect and Sherwood).	22	5 8	Delivers correspondence and clears letter receivers.	65	..	0 2 0	..
J. B. Parker	Campbelltown	22	5 7	Delivers correspondence and assists generally in work of office.	80	..	0 2 0	..
A. Lindsay	Braidwood	21	5 5	do do	57	..	0 2 0	..
A. Steele	Petersham	19	5 4	Delivers correspondence	75	..	..	..
E. C. Small	Goulburn	20	5 4	do do	70	Forage	0 2 0	diem.
George M. Joseph	St. Leonard's (North Willoughby).	19	5 3	do do	60	..	0 2 0	..
G. W. Russell	Marrickville	20	5 2	do do	96	..	0 2 0	..
M. T. Gunane	Ashfield	20	5 1	do do	96	..	0 2 0	..
J. Carroll	Cooma			Delivers correspondence, sorts letters, &c., and despatches mails.	Nil §	..	0 2 6	..
A. F. Adler	Marrickville	19	5 0	Delivers correspondence	75	..	0 2 0	..
W. W. Kay	Manly	20	4 11	do do	60	..	0 2 0	..

* Principally employed by Railway Department, from which he receives the major portion of his remuneration.
 † Allowed uniforms ‡ Not continuous. § Receives £150 per annum from Telegraph Department, as Line Repairer

Name.	Office to which attached.	Age.	Length of Service.		Nature of duties performed.	Salary per annum.	Allowances.		
			years.	yrs. ms.			Nature.	Amount.	Per
F. Veness, jun.....	Randwick.....	44	4	8	Delivers correspondence and clears receivers.	£ 100	Forage	£ s. d. 0 2 0	diem.
J. Willoughby.....	do (Coogee).....	18	4	8	do do	58/10/-	.....	.....	.....
H. Madden.....	Tamworth.....	19	4	8	do do	65	Forage	0 2 0	diem.
C. F. Krahe.....	Tenterfield.....	20	4	6	Delivers correspondence, clears receivers, and assists generally in work of office.	75	.....	0 2 0	.....
W. Dunn.....	Waverely.....	20	4	5	Delivers correspondence, clears receivers, and despatches mails.	65	.....	0 2 0	.....
T. Canavan.....	Burwood (Concord).....	22	4	5	Delivers correspondence and clears receivers.	75	.....	0 2 0	.....
J. Nicholls.....	Grenfell.....	22	4	4	Delivers correspondence and assists generally in work of office.	60	.....	0 2 0	.....
J. Wasson.....	Orange.....	22	4	3	Delivers correspondence and stamps letters.	85	.....	0 2 0	.....
J. E. Higgs.....	Granville.....	23	4	1	Delivers correspondence and clears letter receivers.	78	.....	0 2 0	.....
J. A. Eckford.....	West Maitland.....	19	4	1	Delivers correspondence, clears letter receivers, sorts letters, &c., and despatches mails.	60	.....	0 2 0	.....
G. H. Deeley.....	Lithgow.....	18	4	0	Delivers correspondence	52	.....	0 2 0	.....
J. S. Arnold.....	Kiama.....	19	3	11	do do	50	.....	0 2 0	.....
W. Whisker.....	Botany.....	22	3	10	do do	78	.....	0 2 0	.....
C. F. Hughes.....	Wellington.....	17	3	9	do do	78	.....	0 2 0	.....
C. B. West.....	Cowra.....	19	3	9	Delivers correspondence, clears letter receivers, and assists generally in work of office.	65	.....	0 2 0	.....
A. E. S. Adams.....	North Ryde.....	18	3	9	Delivers correspondence	30	.....	.....	.....
T. A. J. White.....	Leichhardt.....	20	3	8	do do	85	Forage	0 2 0	diem.
W. W. Huggett.....	St. Leonard's (Neutral Bay).....	20	3	8	Delivers correspondence, sorts letters, &c.	67	.....	0 2 0	.....
F. De S. Dickson.....	Newcastle.....	23	3	7	Delivers correspondence, stamps and sorts letters, &c.	98	.....	.....	.....
C. Aylin.....	Burwood.....	20	3	6	Delivers correspondence and clears letter receivers.	75	Forage	0 2 0	diem.
R. Campbell.....	Merewether.....	18	3	4	Delivers correspondence and clears letter receivers.	85	.....	0 2 0	diem.
D. Huggett.....	St. Leonard's (North Willoughby).....	22	3	4	do do	75	.....	0 2 0	.....
W. Wren.....	Muswellbrook.....	22	3	4	Delivers correspondence and assists generally in work of office.	78	Forage	0 2 0	diem.
W. F. Evans.....	Balmain.....	23	3	3	Delivers correspondence and clears letter receivers.	65	Porterage of mails.....	0 1 6	week.
Richard Hawkins.....	Homebush.....	18	3	3	Delivers correspondence	65	Forage	0 2 0	diem.
A. H. Litchfield.....	Lismore.....	18	3	2	Delivers correspondence, clears letter receivers, and assists generally in work of office.	52	.....	0 2 0	.....
John Baker.....	Blayney.....	18	3	2	do do	52	.....	.....	.....
P. Bailey.....	Newcastle.....	19	3	1	Delivers correspondence, stamps letters, and sorts newspapers.	75	.....	.....	.....
T. Ginman.....	St. Peters.....	18	2	9	Delivers correspondence, and clears letter receivers.	50	.....	.....	.....
B. Yeo.....	Croydon.....	18	2	9	do do	78	Forage	0 2 0	diem.
Alfred E. Fripp.....	Hurstville.....	16	2	8	do do	52	.....	0 2 0	.....
J. H. Gallagher.....	Kogarah.....	18	2	7	do do	88	.....	0 2 0	.....
A. E. M'Glynn.....	Parkes.....	18	2	5	do do	39	.....	0 2 0	.....
E. Meredith.....	Croydon.....	18	2	4	do do	65	.....	0 2 0	.....
D. F. M'Carthy.....	Cootamundra.....	18	2	3	Delivers correspondence and assists generally in work of office.	49	.....	0 2 0	.....
A. Davis.....	Canterbury.....	17	2	2	Delivers correspondence	39	.....	0 2 0	.....
J. Griffiths.....	Stockton.....	22	2	1	Delivers correspondence and clears letter receivers.	39	.....	.....	.....
H. Donaldson.....	St. Leonards.....	19	2	0	do do	50	Forage	0 2 0	diem.
H. J. Russell.....	Moama.....	14	1	11	Delivers correspondence	26	.....	.....	.....
Geo. Henry Rowthorn.....	Lambton (New).....	22	1	8	Delivers correspondence and clears letter receivers.	52	Forage	0 2 0	diem.
W. S. Kirkpatrick.....	Bathurst.....	17	1	9	Delivers correspondence	75	.....	.....	.....
Alexander Wilson.....	Hunter's Hill.....	18	1	6	do do	39	Forage	0 2 0	diem.
Chas. Isaac Berghofer.....	Marrickville.....	17	1	5	do do	52	.....	0 2 0	.....
George M. Proctor.....	Hamilton (Islington).....	18	1	5	do do	52	.....	0 2 0	.....

Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum.		Allowances.		
					Postal.	Telegraph.	Nature.	Amount.	Per
James Hodgen	Macdonaldtown	years. 25	yrs. ms. 1 4	Delivers correspondence	75	...	Forage ...	0 2 0	diem. year]
Robert Sutherland	June Junction	17	1 4	Delivers correspondence and conveys mails, and assists generally in work of office.	52	...	Clearing receivers. Forage ...	25 0 0 0 2 0	diem.
Joseph Geo. Little	Gunnedah	35	1 3	Delivers correspondence, clears letter receivers, and assists generally in work of office.	75	...	..	0 2 0	..
George Skinner	Arncliffe	26	1 3	Delivers correspondence	39	...	..	0 2 0	..
Patrick Gleeson	Carrington	26	1 2	Delivers correspondence, clears letter receivers, and conveys mails.	75	...	..	0 2 0	..
John Fahcen	Moree	48	1 1	Delivers correspondence, and assists generally in work of office.	52	...	.....	.....	...
Thomas M'Lean	Nowra	16	1 1	do do	39	...	Forage ..	0 2 0	diem.
Leslie Price	Penrith	16	1 1	Delivers correspondence	52	...	..	0 2 0	..
Henry Bright	Uralla	43	1 1	do do	39	...	..	0 10 0	week.
James Yates	Minni	30	1 0	do do	78	...	..	0 2 0	diem.
Oscar Charles Jex	Kempsey	15	0 10	Delivers correspondence and sorts letters, &c.	39	...	..	0 2 0	..
George Green	Burwood (Enfield) ...	19	0 10	Delivers correspondence and clears letter receivers.	52	...	Porterage of mails. Forage ...	26 0 0 0 2 0	year. diem.
Wm. Baird	Katoomba	15	0 10	Delivers correspondence, clears letter receivers, and assists generally in work of office.	39	...	..	0 10 0	week.
Patrick F. O'Grady	Granville	15	0 10	Delivers correspondence	39	...	..	0 2 0	diem.
Ebenezer Thompson	West Maitland	16	0 9	Delivers correspondence, clears letter receivers, and despatches mails.	48	...	..	0 2 0	..
John James Ryan	Wollongong	19	0 9	Delivers correspondence, clears letter receivers, and assists generally in work of office.	32/10/-	...	..	0 2 0	..
Thomas Clarke	Kiama	14	0 8	Delivers correspondence and clears letter receivers.	26	...	..	0 2 0	..
Fredk. J. Workman	Tumut	18	0 7	Delivers correspondence and assists generally in work of office.	52	...	.....	.....	...
Benjamin Thos. Morris	Auburn	15	1 6	Delivers correspondence and clears letter receivers.	39	...	Forage ...	0 2 0	diem.
Arthur Coucom	Armidale	14	0 6	Delivers correspondence, clears letter receivers, and assists generally in work of office.	26	...	..	0 2 0	..
Saml. Walter York	Rockdale	16	0 7	Delivers correspondence and clears receivers.	39	...	..	0 2 0	..
Emmett Moore	Gundagai	16	0 8	Delivers correspondence and assists generally in work of office.	52	...	.....	.....	...
Richard Matthews	Waverley	17	0 6	Delivers correspondence, clears letter receivers, and despatches mails.	39	...	.....	.....	...
Chas. H. Graham	Watson's Bay	27	8 6	Delivers correspondence	52	...	Forage ...	0 2 0	diem.
John Steele	Petersham	21	4 5	do do	88	...	.....	.....	...
Clarence Harold Westley	Dungog	14	0 3	do do	12/per week.	...	.....	.....	...
Walter Lalchere	Drummoyne	20	0 2	Delivers correspondence and despatches mails.	52	...	Forage ... Clearing receivers.	0 2 0 0 5 0	diem. week.
Thomas Kirchen	Leichhardt	18	2 5	Delivers correspondence	52	...	Forage ..	0 2 0	diem.
Joel William Axford	Lithgow	18	1 8	Delivers correspondence and clears letter receivers.	39	...	..	0 2 0	..
Adam J. S. Mann	Mittagong	16	1 2	Delivers correspondence, clears letter receivers, stamps and sorts letters, &c.	39	...	..	0 2 0	..
Thomas Madden	Redfern	*29	0 7	Delivers correspondence	96	...	.....	.....	...
Henry Brown	Summer Hill	17	2 0	do do	39	...	.....	.....	...
Walter Robert Charker	Bowral	15	0 1	do do	50	...	Forage ...	0 2 0	diem.
W. C. Street ¹	Ballina	15	0 6	do do	13	26	..	0 10 0	week.
J. M. Sproule ²	Berry	18	1 9	do do	39	2/6 per week.	..	0 2 0	diem.
A. E. J. Croker ²	Bingera	19	1 1	Delivers correspondence and assists generally in work of office.	50	2/6 per week.	..	0 2 0	..
R. Reedy ¹	Camden	23	7 0	Delivers correspondence, clears letter receivers, and assists generally in work of office.	49	39	Porterage of mails.	13 0 0	year.

Name.	Office to which attached.	Age.	Length of Service.	Nature of duties performed.	Salary per annum.		Allowances.		
					Postal.	Telegraph.	Nature.	Amount.	Per
James G. D. S. Maher ²	Cobar.....	19	1 1	Delivers correspondence	£ 50	2/6 per week.	Forage ...	£ 52 0 0	year.
Joseph Howell ¹	Gladesville	20	2 2	do do	63	12	„ ...	0 2 0	diem.
A. Means ¹	Greta	21	5 2	do do	26	26	„ ...	0 2 0	„
							Porterage of mails.	40 0 0	year.
T. Woolard ¹	Hill End	20	4 5	Delivers correspondence and sorts letters, &c.	26	26	Forage ...	0 10 0	week.
J. Picard ¹	Hunter's Hill	21	7 4	Delivers correspondence	13	39	Porterage of mails.	13 0 0	year.
A. E. Folbigg ¹	Maclean	20	3 9	do do	26	39	.....	.....	.....
Arthur R. South ¹	Randwick	15	1 6	do do	20	39	.....	.....	.....
Wm. Adam ¹	Raymond Terrace	16	1 6	do do	13	26	Forage ...	0 10 0	week.
J. M. Dixon ¹	South Grafton	20	4 10	Delivers correspondence and assists generally in work of office.	..	39	„ ...	0 10 0	„
							Porterage of mails.	13 0 0	year.
G. J. Stratton ¹	Springwood	18	3 3	Delivers correspondence	43	26	Forage ...	0 12 0	week.
J. R. M'Donald ¹	Taree	18	4 4	do do	52	13	.....	.....	.....
William J. Noble ¹	Waratah	18	3 0	do do	15	26	Forage ...	0 2 0	diem.
W. J. Keely ¹	Wentworth	19	4 0	Delivers correspondence and assists generally in work of office.	26	39	.....	.....	.....
T. Carey ²	Wingham	16	2 2	do do	9/6 per week.	2/6 per week.	.....	.....	.....
J. V. O'Brien ¹	Wollongong	24	9 6	Delivers correspondence	20	58	.....	.....	.....
John Noonan ²	Bega	17	0 7	do do	52	2/6 per week.	Forage ...	0 2 0	diem.
P. D. Brown ²	Molong	23	3 4	do do	52	...	Porterage of mails.	20 0 0	year.
W. Greatrex ¹	Rookwood	17	1 10	do do	...	26	Forage ...	0 2 0	diem.
Wm. Longton ¹	Sunny Corner	13	0 2	do do	13	26	„ ...	0 2 0	„
Warrington G. Rogers ¹	Nyngan.....	14	0 2	Delivers correspondence and assists generally in work of office.	26	26	„ ...	0 10 0	week.
R. Hardcastle ¹	Scone.....	19	1 11	Delivers correspondence	26	39	.....	.....	.....
David John M'Cullough ¹	Coonamble	16	0 1	do do	26	26	.....	.....	.....

TEMPORARY RECEIVER CLEARERS.*—Staff, 29.

M. M'Grath.....	Redfern.....	21	5 4	Clears letter receivers ...	78	...	Forage ...	0 2 0	diem
Wm. J. C. Warrington	St. Leonards	19	12 7	Clears letter receivers and conveys mails.	52	...	„ ...	0 2 0	„
T. Wood	Redfern.....	23	3 11	Clears letter receivers ...	65	...	„ ...	0 2 0	„
F. Burrows	Deniliquin	18	3 7	Clears letter receivers, ties and seals mail bags, and sorts newspapers.	52	...	.....	.....	.....
J. Smith, junior	Newtown	21	3 2	Clears letter receivers and conveys mails.	70	...	Forage ...	0 2 0	diem.
F. H. Paterson	Newcastle.....	18	3 1	Clears letter receivers, stamps letters, and sorts newspapers.	60	...	„ ...	0 2 0	„
A. J. Mashford	St. Leonards.....	17	2 9	Clears letter receivers and conveys mails.	50	...	„ ...	0 2 0	„
J. W. Gleeson	Marrickville.....	20	1 11	do do	75	...	„ ...	0 2 0	„
G. C. Bondfield	Grafton	18	1 11	Clears letter receivers ...	50	...	„ ...	0 2 0	diem
John George Seymour	Bathurst	15	1 1	do	39	...	.....	.....	.....
Thomas Hill.....	St. Leonards	16	2 5	Clears letter receivers, conveys mails, and despatches mails.	39	...	Forage ...	0 2 0	„
F. W. Drinkwater	Parramatta	17	2 6	Clears letter receivers, ties and seals mail bags.	50	...	„ ...	0 2 0	„
Thomas Brazill	Orange	17	0 4	Clears letter receivers ...	26	...	.....	.....	.....
Joseph R. Waddington	Newtown	16	0 2	Clears letter receivers and conveys mails.	39	..	Forage ...	0 2 0	diem
Thomas J. Marks	Petersham	19	0 2	Clears letter receivers ...	39	...	„ ...	0 2 0	„
Chas. Weil ¹	Ashfield	18	2 10	do	36	39	„ ...	0 2 0	„
E. W. Reid ¹	Bombala	17	1 9	do	...	26	„ ...	0 5 0	week
H. G. Young ³	Hunter's Hill	21	6 6	do	...	65	„ ...	0 10 0	„
H. J. Potts ¹	Hurstville	15	1 7	do	...	26	„ ...	0 2 0	diem
P. Haynes ¹	Liverpool	21	3 5	do	16	39	.....	.....	.....
J. H. Berney ¹	Cooma	19	3 4	Clears letter receivers and assists generally in the work of office.	26	26	.....	.....	.....
F. J. H. Orrell ¹	Moama	19	4 6	Clears letter receivers ...	26	26	.....	.....	.....
J. H. Gribble ¹	Temora (Upper)	15	0 4	do	13	26	.....	.....	.....
Edwin A. Graham ²	Picton	16	0 9	do	10	6/10/-	.....	.....	.....
John Bone ⁴	Railway Guard, Ben Bullen.	...	.....	do	5	...	.....	.....	.....
C. K. Smith ⁴	Railway Porter, Eskbank.	...	.....	do	5	...	.....	.....	.....
W. G. Andrews ⁴	Railway Porter, Lithgow.	...	.....	do	5	...	.....	.....	.....
R. White ⁴	Railway Station-master, Ryde.	...	.....	do	5	...	.....	.....	.....
C. Watson ⁵	Hexham .....	...	.....	do	5	...	.....	.....	.....

¹ Telegraph Messenger.² Telegraph Probationer.³ Telegraph Operator.⁴ Principally employed under the Railway Department,

from which he receives the major portion of his remuneration.

⁵ Ferryman.

* Allowed uniforms.

† Not continuous.

Name.	Service.	Allowance per annum.	Name.	Service.	Allowance per annum.
MAIL CARRIERS—Staff, 50.					
James Quaine*	Between Spencer's Creek and Arakoon.	£ 10 0 0	Captain W. G. Garth...	Between Sydney and Lord Howe Island.	£ 10 0 0
Maurice Tangney.....	Between Broken Hill and Albion Town.	75 0 0	Jeremiah Woodbury ...	Between Lower Portland and Leet's Vale.	18 0 0
D. Cruickshank	Between Nunba and Black Forest.	10 0 0	A. Cuneo¶	Between Railway Station and Post Office, Marulan.	10 0 0
J. Hill & Co.....	Between Railway Platform and Post Office, Broken Hill.	52 0 0	Mrs. Elizabeth Kingsford.	Between Dalveen (Q) and Maryland.	36 0 0
George Phelps	Between Lake Bathurst and Bronti.	20 0 0	E. A. H. Brown**	Between Railway Station and Post Office, Mittagong, and Post Office and Kerosene Oil Co.'s Siding.	15 0 0
James Wharton	Between Aberdeen and Brushy Hill.	15 0 0	John Barry	Between Jindabyne and Moonbah.	20 0 0
J. J. M'Jannett	Between Railway Station and Post Office, Bungendore.	30 0 0	O. Hynes	Between Grafton and Nana Creek.	1d. per letter and free tolls.
Martin Costello	Between Alfred Town and Book Book.	40 0 0	Thomas Rose	Between Boat Harbour and Never Never.	21 0 0
James Friend	Between Railway Station and Post Office, Carcoar.	20 0 0	C. Cody††.....	Between General Post Office and Park-street.	6d. per diem.
F. S. Gibson†	Between steamer's wharf and Post Office, Coraki.	10 0 0	J. Skinner	Between Railway Platform and Post Office, Parkville.	20 0 0
John Mylan, jun.....	Between Numeralla and Countegany.	20 0 0	William Staff	Between Hurstville and Peakhurst.	30 0 0
Mrs. M'Sorley	Between Wheo and Cowra	122 0 0	Frank Wall	Taking charge of early morning and night mails at Penrith.	2 10 0
J. Walmsley	Between Coranbong and Doree.	25 0 0	William Nash	Do do	2 10 0
Ernest Spark.....	Between Branxton and Dalwood	20 0 0	Hugh M'Nalley	Between Nambucca and Taylor's Arm.	17 10 0
Edward Bull.....	Between Bolivia and Clive...	22 10 0	C. Dudley.....	Between General Post Office and The Exchange.	39 0 0
E. Bendon‡	From Five Dock and Iron Cove Bridge to Ashfield.	22 0 0	John Parker.....	Between Craigie and Upper Quinburra.	7 0 0
John Maxwell	Between "Turn off," on Kiama-Berry mail line, and Fox Ground.	26 0 0	David Small.....	Between Coff's Harbour and Upper Orara.	20 0 0
A. P. Gunning	Between Tarloon & Gongolgan	52 0 0	A. Ellis††.....	Between Railway Station and Post Office, Wallerawang.	20 0 0
James Duffy	Between Yass and Good Hope...	25 0 0	J. Cruickshank	Between Cambewarra and West Cambewarra.	12 0 0
James Dent	Between Tomerong and Huskisson.	29 10 0	H. Woods.....	Between Wallsend and West Maitland.	40 0 0
Thomas J. Campbell ...	Between Mount Ida and Ilkadoon.	35 0 0	Joseph Makin	Between Railway Station and Post Office, Wollongong.	25 0 0
Herbert Cooper§	Between Railway Station and Post Office, Katoomba.	12 0 0	Joseph Makin	Between steamer's wharf and Post Office, Wollongong.	12 0 0
Edward Ford|| .....	Between General Post Office and King-street.	24 0 0	J. Jeffery, junior.....	Between Greenhill and Woodhall.	15 0 0
J. K. Hassall	Between Blackwall and Kincumber.	50 0 0			
William Child	Between Glen Innes and Kookabookra.	115 0 0			
D. Newberry.....	Between steamer's wharf and Post Office, Lismore.	20 16 0			
W. Glanville	Between General Post Office, Sydney, and Lower Botany.	39 0 0			

* Warder, Gaol, Arakoon. † Telegraph Master, Coraki. ‡ Telegraph Messenger, Five Dock. § Telegraph Messenger, Katoomba. || Telegraph Messenger King-street. ¶ Railway Official, Marulan. ** Telegraph Messenger, Mittagong. †† Telegraph Messenger, Park-street. ‡‡ Railway Station-master, Wallerawang.

Office.	Name.	Salary per annum.	Remarks.	Office.	Name.	Salary per annum.	Remarks.
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NON-OFFICIAL POSTMASTERS.—Staff, 920.

		£				£	
Aberdeen	Arthur Smith	35	Allowed £16 portage of mails.	Attunga	H. F. Flynn	24	Allowed 17s. per week portage of mails.
Acacia Creek.....	Leonard Gillespie..	11		Attunga Springs ...	Michael Byrne.....	10	
Adamstown	William Lee.....	20	Allowed £40 as letter carrier.	Auburn	Amelia Morris	30	Telegraph Mistress, £30; allowed £2 10s. for light.
Adelong Crossing-place.	J. H. G. Givney ..	34		Austinmer	Anthony Cram.....	10	
Aliceton	Mrs. E. Johnson...	10	Railway Officer in charge.	Avisford.....	Jane Gorry	14	Allowed £6 portage of mails.
Allandale	W. E. Kirby	15		Awaba	William Scully ...	10	
Allynbrook	Mary F. O'Shanassy.	16	Telegraph Master, £75; allowed £3 for light.	Baan Baa	D. J. Chivers	15	do do
Alstonville.....	J. A. Perry	20		Baerami	John Buchanan, jun.	15	
Appin	Marian L. Armstrong.	57	Railway Officer in charge.	Baker's Swamp.....	W. Crockett	10	Allowed £20 portage of mails.
Arakoon.....	B. Thomas	10		Balala	Amos Carter	15	
Argoon	John A. Gee.....	10		Bald Nob	B. M'Cormack.....	12	
Arkstone	Michael Clayton ..	10		Balgowlah	F. W. Heaton	10	
Arncliffe.....	W. Marsden	27		Ballalaba	Sarah Griffin	21	
Arthurville	Annie O'Brien	10		Bandon Grove	S. V. Smith	21	
Ashford	E. Naughten	18		Bankstown.....	R. R. Caird	30	

Office	Name.	Salary per annum.	Remarks.	Office.	Name.	Salary per annum.	Remarks
Bannaby	D. O'Connor	£ 11		Boonney	Mrs. M. Day	10	
Bargo	John Wilkinson	10		Booral	Mrs. Naomi Single	28	
Barmedman	J. Marshall	41/10	Telegraph Master at £44 10s.; allowed £3 for light.	Booroorban	S. Porter	20	
Barragan	E. Tindale	12		Borenore	Robert Anderson	30	Railway Officer in charge.
Barranjoey	A. T. Black, J.P.	11	Telegraph Master at £104; allowed £1 for light; also Customs Officer.	Boro	J. V. Williams	20	
Barrangarry	Henry Joyce	16		Botany	Franklin Garton	39	
Barrington	Charles Shaw	20		Botany Road	Mrs. Jane Alder	10	
Barwang	Robert Giddings	10		Bourbah	Edward Byrne	14	
Batlow	R. C. Timmis	18		Bourke-st., Redfern	W. H. Sutton	30	
Baulkham Hills	J. W. Phillips	35		Bowan Park	Mrs. M. A. Nicholls	10	
Bayview	K. M. Roche	12		Bowenfels	A. H. Le Messurier	48	do do
Beachport	A. W. Jamison	10	Telegraph Master at £52; allowed £1 for light.	Bowling Alley Point	S. C. L. Pyrke	19	
Bear Hill	K. Hasselmann	10		Bowning	Thomas Edwards	48	do do
Beaufort	Maxwell Hutton	10		Bowraville	Mrs. Christina Byrnes	48	Telegraph Mistress at £48; allowed £1 for light.
Bedgerebong	Mitchell Brown	10		Box Ridge	Mrs. C. Halpin	11	
Beechwood	Albert E. Dark	10	Telegraph Master at £26.	Brawlin	Mrs. Margaret Holohan	10	Allowed £20 for portorage of mails.
Belarbigill	Myles A. Lake	10		Breadalbane	Joseph H. Cox	39	Railway Officer in charge.
Belford	Grace Dietz	14	Allowed £10 for portorage of mails.	Breeza	Charles Bailey	42	do do
Belgravia	Charles Whitely	10		Brewongle	G. H. Watsford	47	do do
Bell	James Evans	20	Railway Officer in charge.	Bridgeman	Mrs. Ann Atkinson	14	
Bell's Creek	Thomas Lee	16		Brindabella	C. Blyth	10	
Belmont	Miss A. J. Williamson	25	Telegraph Mistress at £36; allowed 8s. per week rent and £3 per annum for light.	Bringagee	J. Curran	10	do do
Belmore	Ann Milner	10		Bringelly	Mrs. E. B. Stanfield	27	
Bendolba	James Levey	28		Brocklehurst	Mrs. Julia Chapman	10	
Ben Lomond Railway Station.	W. E. Hooper	15	Railway Officer in charge.	Brogo	A. S. Brown	24	
Bergalia	Robert Speer	31		Broken Hill Railway Station.	Mrs. E. M. Bishop	25	
Bermagui	Thomas Moorhead	10	Telegraph Master at £26.	Brookfield	Mrs. S. Leedham	15	
Berridale	James Walker	23		Brooklyn	W. Cavanaugh	14	Allowed £14 for portorage of mails; Railway Officer in charge.
Berrigan	Lazarus Harris	12		Brooman	Richard Hapgood	10	
Bethungra	James Glynn	33		Brownlow Hill	Jane Wasson	14	
Bevendale	John Bevan	10		Broughton Village	G. T. Blakers	10	
Bexhill	John Snowden	12		Brown's Creek	E. J. Hadley	12	
Bexley	Eliza Ann Pearse	10	Allowed £25 for portorage of mails.	Brownsville	Thomas Robson	23	
Bibbenluke	Miss Constce. Horn	16		Brundah Creek	James Bell	10	
Bigga	William Picker	19		Brungle	Mrs. Marg. M'Gruer	13	
Big Hill	W. E. Ellis	19		Brushy Hill	Wm. Wharton, sen.	10	
Billeroy	Mrs. M. Colwell	10		Bryan's Gap	Luke Tierney	10	
Biloela	Miss Frances Brown	16		Buchanan	Mrs. S. A. Avison	13	
Bimbi	Maurice Paice	10		Buckley's Crossing-place.	Thomas Wroe	25	
Binalong	W. C. Smith	46	Railway Officer in charge.	Budgee Budgee	M. Cavanaugh	17	
Binda	Alex. M'Donald	22		Bugilbone	William Wilson	10	
Binnaway	John M'Whirter	21		Bukkulla	Mrs. B. M. Graham	15	
Bishop's Bridge	Terence O'Brien	14		Bulgandramine	J. D. Mackay	23	
Blackman's Point	R. K. Harris	10		Bulli	G. S. Turnbull	51	Telegraph Master at £12; allowed £25 for portorage of mails.
Black Mountain	Alex. Glynn	15	do do	Bull Plain	Miss Marion Young	10	
Black Range	James Colquhoun	10		Bumbarry	Henry Packham	14	
Black Springs	M. Hanrahan	15		Bumble	M. J. Murphy	15	
Blacktown	Thomas M'Coy	50	do do	Bundanoon	G. W. Osborn	31	Allowed £10 for portorage of mails.
Blackville	Thomas Harnott	16		Bundella	Mrs. B. Ewbank	15	
Blake Brook	Mrs. Mary Harley	10		Bungonia	Mrs. E. Armstrong	38	
Blakehurst	Mrs. E. Simpson	10		Bungwannah	John Kruse	14	
Blandford	J. W. Dwyer	25	Railway Telegraph Officer in charge at £26.	Bungwall Flat	John T. W. Green	26	Telegraph Master at £52; allowed £2 for light.
Blowering	J. F. Johnston	11		Bunnan	Edward L. Long	11	
Boambolo	John O'Donnell, sen.	10		Bunyan	Mrs. E. Cullen	10	Allowed £8 for portorage of mails.
Boat Harbour	James R. Redstone	26	Telegraph Master at £52; allowed £1 for light.	Burradoo	Mrs. A. Chapman	18	Allowed £12 for portorage of mails.
Bobundarah	William Shiels	16		Burranga	Arthur Amos	17	
Boggabilla	Matthias Allen	18		Burrarorang	Ellen Pippen	16	
Boggy Flat	Miss R. S. Thorley	11		Burrendong	Thomas Campbell	13	
Bolivia	W. J. Williams	25	Railway Officer in charge.	Burriac	William Barron	12	
Bolong	J. T. Thompson	20		Burumbuttock	J. Sands	10	
Bomen	F. H. Powell	16	do do	Bylong	W. H. Tindale	13	
Bondi	Mrs. Louisa Hiley	27		Byng	Mrs. Mary Ann Harvey	15	
Bonnyrigg	G. Burrowes	10		Byron Bay	M. F. M'Donogh	15	Telegraph Mistress at £52; allowed £2 for light.
Bonshaw	H. J. Hughes	25		Cabramatta	William Darby	10	Railway Officer in charge.
Bookham	W. H. Vicq	26		Cadia	W. S. Blood	14	
Boolambayte	Miss Ellen M'Grath	15		Caloola	J. B. Daly	16	
				Cambervell	John Drane	10	Allowed £25 18s. for portorage of mails.

Office.	Name.	Salary per annum.	Remarks.	Office.	Name.	Salary per annum.	Remarks.
Cambewarra	Miss J. C. M'Gregor	£ 25	Telegraph Mistress at £26; allowed £1 for light.	Corunna	Edward Harper	10	
Camden Haven	H. Stanley	18		Cow Flat	W. B. Cooke	32	
" Punt	F. D. Ross	38		Cox's River	Thos. M'Mahon	11	
Canadian Lead	G. W. Last	20		Craigie	John Bruce	16	
Canberra	Mrs. P. Murty	15		Craunbury	Isaac Wren	10	
Canley Vale	George Moore	16	Allowed £15 for portorage of mails.	Cross Roads	Mrs. Annie Bender	12	
Cannonbar	Francis Boland	45	Telegraph Master at £45; allowed £3 for light.	Crudine	Robert Lowe	19	
Canoblas	Walter Stevens	10		Cudjebegong Creek	John Cunningham	10	Allowed £15 portorage of mails.
Canterbury	James Slocombe	30	Telegraph Master at £50.	Cudjebegong	W. H. Strike	19	
Capertee	A. R. Smith	40	Railway Officer in charge.	Cudgen Scrub	Carl Gaenshirt	15	
Captain's Flat	W. H. Arrowsmith	45	Telegraph Master at £45. Allowed £2 for light.	Culcairn	S. Hinde	33	Railway Officer in charge.
Carinda	Clement Shakespear	15		Cullenbone	Mrs. Sarah Paine	12	
Carlingford	Mrs. F. Mackenzie	22		Cullen Bullen	Mrs. Margt. Lonergan	42	
Carnsdale	Mrs. S. A. Howard	13		Cullinga	Francis Sweeney	10	
Carriek	Mrs. M. A. Wallace	17		Cumnock	Mrs. Elizabeth Say	13	
Carroll	George Walker	30		Cunningham	James Sinclair	26	
Castle Hill	J. J. Carolan	30	Telegraph Master at £26.	Curlewis	Edwd. Richardson	25	do do
Castle Mountain	John Foot, senior	11		Currabubula	Roderick Dunn	21	do do
Castlereagh	Emma Parsons	12		Currawang	Mrs. E. M. Kenny	17	
Cathcart	J. Gerathy	20		Curraweela	W. H. Bradbury	15	
Catherine Hill Bay	Charles Charlwood	10		Dalmorton	Mrs. Martha Elliott	21	
Cavan	J. Collison	10		Dalton	Henry Curry	21	
Cedar Party Creek	W. Baines	10		Dalwood	Mrs. R. K. Mackenzie	10	
Central Colo	Thos. Everingham	10		Dapto	Mrs. F. H. Jones	42	Telegraph Mistress at £26; allowed £1 for light.
Central M'Donald	Joseph Walker	14		Darby's Falls	John Jordan	11	
Cessnock	M. E. Goldsbury	15		Darlington Railway Station	R. H. Grimwood	23	Railway Officer in charge.
Charlestown	Mrs. Ellen Steel	23		Davies Creek	Duncan Cumming	10	
Charleyong	S. G. Tate	10		Davis Town	Mrs. J. Davis	10	
Chatsbury	Mrs. M. Martin	10		Day Dream	John Grose	17	
Chatswood	William James	10		Daysdale	Mrs. A. S. Pola	16	
Chatsworth Island	A. H. C. M'Aulay	37/10	Telegraph Master at £37 10s.; allowed £13 for portorage of mails; £3 10s. for light; and £3 for cleaning.	Demondrille	J. W. Bell	10	
Cheeseman's Creek	Luke Hughes	21		Denison Town	W. Latimer	20	
Clarence Tunnel	James Kilgannon	10	Railway Officer in charge.	Devlin's Siding	George Hill	15	
Clarevaux	Miss Isabel Sharp	12		Dingo Creek	James M'Pherson	14	
Clarkson's Crossing	Mrs. Jane Bowers	14		Doodle Cooma	Albert Rosler	10	
Clear Creek	Mrs. M. A. Davison	10		Doree	Miss L. Douglass	10	
Clive	Hamilton M'Knight	10		Doughboy Hollow	Randolph Dunbar	15	do do
Clunes	W. B. Thompson	14		Douglas	J. Turner	20	do do
Clybucca	W. G. Ducaft	10		Douglas Gap	Terence F. Cusack	10	Allowed £20 portorage of mails.
Cobbadah	Mrs. E. Fletcher	28		Druitt Town	Albert Allen	15	
Cobbitty	Thomas Cummings	16		Drummoyne	Mrs. A. B. Lalchere	12	
Cockle Creek	George Thompson	10	do do	Dry Lake	W. F. Egan	10	
Codrington	Finlay Campbell	13		Dry Plain	Thomas Clugston	10	Allowed £12 portorage of mails.
Colane	M. J. Connelly	10		Duckmaloi	Miss B. Nunan	10	
Coldstream	Mrs. C. Davison	10		Dulwich Hill	Henry Berghofer	25	Telegraph Master at £26; allowed £26 portorage of mails, also allowed 2s. per diem for forage.
Colinton	Michael Coffey	10	Allowed £30 for portorage of mails.	Dumaresq	Robert W. Benson	18	Railway Officer in charge.
Collarenebri	J. C. Humphries	16		Dunbar's Creek	W. A. Atkins	10	
Collector	Mrs. B. M'Inerney	26		Dundee	William Stibbard	18	
Collie Blue	Joseph H. Russell	14		Dundee Railway Station	J. R. Hull	12	do do
Colly Blue	Charles Constable	11		Dungaree	John Milligan	23	Allowed £12, portorage of mails.
Colombo Creek	G. F. Fitzgerald	20	Railway Officer in charge.	Dungowan	C. Scott	15	
Colo Vale	W. J. Donnan	16	do do	Dunkeld	W. Millard	12	
Comerong	Michael Murphy	10		Dunoon	James E. James	10	
Como	George Agnew	10		Dural	Wm. Hawkins, sen.	16	
Comobella	Miss Mary M'Lean	10		Duramana	Felix Knight	10	
Conargo	Miss T. M. D'Ornay	19	Telegraph Mistress at £60; allowed £2 for light.	Eastern Creek	Miss A. Beggs	14	
Conjola	John Connelly	25		East Kangaloon	Charles Tildsley	15	
Cookardinia	Patrick O'Brien	13		East Kempsey	C. E. Wright	25	Allowed £3 for portorage of mails.
Coolabah	Charles Werner	10		East Raleigh	Alexander Allan	10	
Coolac	George Gibbons	25	Railway Officer in charge.	East Wardell	O. M'Donogh	16	
Coolangatta	James Robertson	10		Eastwood	B. D. Rider	12	Railway Officer in charge.
Coolongolook	Miss Annie Worth	12		Ebenezer	Mrs. Kate Davison	11	
Cooperbrook	Mrs. J. M'Donald	39	Telegraph Mistress at £26.	Eccleston	Mrs. Sarah Sivyer	18	
Cooyal	Mrs. S. Millis	11		Eglinton	John Halsted	10	
Coramba	Mrs. Annie Rudder	10		Elderslie	Daniel Skinner	12	
Cordillera	James Haugh	50		Ellalong	Sarah Allen	13	
Coree	Mrs. J. Botterill	13		Ellenborough	Mrs. Sarah Noakes	14	
Corrowong	Miss Esther O'Hare	15		Elsmore	A. J. Penberthy	14	
				Emu	James Coghlan	36	
				Emu Plains	John Walker	36	do do
				Enfield	G. W. Newbould	26	

Office.	Name	Salary per annum	Remarks	Office	Name	Salary per annum.	Remarks.
Ennis	Walter Fryer ...	£ 21		Goran Lake	George Cameron	£ 10	
Erina	Thos. P. Mason	10		Gordon	Eliza Edwards . . .	27	
Ermington . . .	George Adamson .	20	Allowed £12 for portorage of mails.	Gore Hill	C Cridland	10	
Eskdale	Arthur Glover	10		Grahamstown	David Watson	10	
Estom	J. T. Jardine	26	Allowed £15 for portorage of mails.	Graham's Valley ..	Mrs. Mary Hornby	10	
Essington	Henry Matthews	11		Graman	Mrs. Annie Cross..	10	
Eulourie	Miss Mary Scutt	15		Greendale	Mrs. E. Morehead	16	
Eureka	Wilham Strong	10		Greenfield Farm . .	Arthur Leary	11	
Eurobodalla . . .	W. H. Hopkins . .	30		Greenhill	Thomas O'Neil	20	
Eurongilly	John W. Smith	18		Greenmantle	George Ridley . . .	10	
Eurunderee . . .	G. G. Wurth	18		Green Valley	John Smith	10	
Evan's Plains	Job Boardman . .	12		Greenwell Point . .	Archibald M'Lean	13	Telegraph Master at £26. Allowed £6 10s. for rent, and £1 for light.
Fairford	John Breckenridge	10		Greenwich	Mrs. M. M'Lean . .	10	Allowed £20 for portorage of mails.
Falls Creek . . .	Mrs. Clara Wassell	10		Gresford	Mrs M. A. Bush	58	Telegraph Mistress at £46. Allowed £1 for light.
Fairfield	Robert Smith	20	Railway Officer in charge.	Grong Grong Ry. Sn.	W. S. Nicholas	15	Railway Officer in charge.
Fairview	Miss S. J. Worboys	10		Grosvale	J. J. Stuart	10	
Fairy Meadow . .	Edward H. Gibbons	25	Allowed £22 for portorage of mails	Guildford	Mrs. Jessie Carron	11	Allowed £20 for portorage of mails.
Failey	Mrs. C. Crothers	10		Gullen	Mrs. M. J. Banfield	10	
Fassifern	John Mally	10	Railway gatekeeper	Gunbar	John G. Bunn	25	
Ferrier's	Miss S. J. Ferrier.	10		Gundurimba	H. S. Carpenter	15	
Field of Mair . .	Mrs Johanna Ryan	22		Gundy	C. A. Green	18	
Fig tree	K Keller	35		Gungal	M. C. Murphy	18	
Firefly Creek	Miss Matilda Kyle	11		Guntawang	W C Kemp	19	
Fish River Creek	Hugh Deasey	13		Guyong	Mrs. C. B. Clarke	21	
Fitzgerald's Valley..	Mrs Mary Cameron	10		Guyra	Benjamin Dingle	40	Railway Officer in charge.
Five Dock	Thos. Baker	10	Telegraph Master at £26.	Hall	John Southwell . . .	10	
Five Mile Creek .	J. Mewburn, senr	10		Hanging Rock	Mrs E. Bond	16	
Forest Reefs . . .	Patrick Halley	20		Harefield	J. H. Wilkes	16	do do
Fox Ground	Mrs. A. Pritchett..	10		Harrington	John M. Coulter . . .	20	Telegraph Master at £26. Allowed £1 for light.
Freeman's Reach	James Simpson	15		Harris s'reet ...	Charles E. Fleming	25	
Freemantle	Henry Anderson	10		Hartley	Mrs. Ellen Nelligen	30	
Frogmoor	Thomas Channon	18		Hartley Vale	Miss C. J. Skelly	40	
Fullerton	W. Ritchie, senr.	11		Hatfield	Daniel Barry	15	
Galley Swamp . .	Miss M A Rosewarne	10		Hawke's Nest	Miss Eliza Smith	16	
Galong	James P. Rose . . .	20	Railway Telegraph Operator.	Haydonton	Mrs. Ellen Newell	48	
Garra	G. W. Griffith . . .	15		Helensburgh	Thomas Horan	22	Allowed £32 for portorage of mails.
Gentleman's Hat .	W. J. Bowles . . .	10		Hermitage Plains..	Henry Hall	21	
George's Plains . .	Robert J. Tibbs	35	Railway Officer in charge.	Hexham	Frederick Harvey..	42	Allowed £40 for portorage of mails.
German Creek . . .	Mrs. H. Purdie	10		Hickey's Creek	Thomas Waters	10	
German's Hill . . .	G. W. Astill	10		Hilltop	James Alt	10	Railway Officer in charge.
Gerogery	Joseph Atwood	23		Hinton	Mrs. M. Lockyer	55	Telegraph Mistress at £26. Allowed £1 for light.
Gerryberryn . . .	Mrs. C. Fitzhenry	10		Hobby's Yards	S. Davidson	18	
Geurie	H. E. Tewkebsbury	15	do do	Holt's Flat	Chas. Taylor	27	
Ghinni Ghinni	A. Watson	18		Holy Flat	John Stinson	24	
Gilgai	Henry J. Marsh	13		Home Rule	M. Maroney	52	
Gilgunna	Hans J. Monkerna	16		Hornsby	J. E. Wild	40	
Gilmore	Mrs. M. J. Emmett	11		Hornsby Junction . .	Jesse Jacobs, jun	15	Railway Officer in charge.
Gingkin	Amos Batchelder	13		Hoskins' Town	John Seery	12	
Girilambone . . .	W. M'Intosh	28	Railway Telegraph Officer in charge at £13.	Howe's Valley	Miss C. Harris	11	
Gladesville	Mrs. S. Howell . . .	52	Telegraph Mistress at £26. Allowed £2 for light.	Humula	Miss F. Galvin	10	
Gladstone	W. T. Windeyer	41	Telegraph Master at £41. Allowed £5 for portorage of mails, and £3 for light.	Hungerford	C.-W. Wethered . . .	50	Also allowed £12 per annum by Queensland.
Glanmire	Samuel Shumack	24		Huntingdon	Miss Helen Lindsay	13	
Glasston	Miss E. Holmes . . .	14		Hurstville	Evan Morgan	25	Telegraph Master at £12. Allowed £26 for rent, and £1 for light.
Glen Alice	Geo. Baker	14		Huskisson	Mrs. Eliza H. Dent	10	
Glenbrook	Wm. Upton	10	Railway Officer in charge.	Idaville	Michael Bourke . . .	10	
Glencoe	Wm. J. Duffy	22	do do	Ilford	E. W. Turley	46	
Glendon Brook	Mrs. J. A M'Gowan	11		Illabo	Henry Green	25	Railway Officer in charge.
Glen Morrison	Robt. J. Lewis . . .	12		Iluka	Mrs. E. G. Hickey	23	
Glennie's Creek . .	Mrs. M. Armstrong	25		Ingleburn	W. J. Collins	10	Allowed £25 for portorage of mails.
Glenoak	Mrs. Barbara Blum	13		Jamberoo	Wm. Stewart	44	Telegraph Master at £26. Allowed £1 for light.
Glenquarry	Mrs. A. S. Fraser	10		Jamison Town	Mrs. Elizth. Smith	10	
Glenthorne	Mrs. Annie Morkill	10		Jasper's Brush	James Robinson	10	
Glen William . . .	Edw. Fawcett	10					
Gocup	Francis A. Quinn	13					
Golspie	George Murray	15					
Goolagong	G. A. Hosie	14					
Goolma	J Ryan	10					
Goolmangar	Ernest Carter	10					
Goombargona	Saml. R. Shipard	13					
Goomoorah	Mrs. F. Mason	15					
Goonoo Goonoo . .	H. S. Webb	30					
Goorangoola . . .	John A. Bower . . .	15					

Office.	Name.	Salary per annum.	Remarks.	Office.	Name.	Salary per annum.	Remarks.
Jeir	William Dunn	£ 13		Mahonga	Thos. Berrigan	£ 12	
Jembaicumbene	B. Daly	13		Malebo	Mrs. Mary Daley	10	
Jenolan Caves	J. Wilson	10	Allowed £25 for portorage of mails.	Mandalong	Mrs. B. Booth	10	Allowed £10 for portorage of mails.
Jerrawa	Henry A. Holston	20	Railway Officer in charge.	Mandurama	Mrs. Mary Lodge	45	Telegraph Mistress at £26.
Jerrong	Mrs. F. C. M'Kenzie	11		Mangrove Creek	M. Pemberton	12	
Jiggi	Mrs. M. E. Gordon	10		March	S. H. O'Dea	11	
Jimenbuan	David Crisp	10		Marlee	Wm. Richards	11	
Jindabyne	A. Sturgeon	14		Marrangaroo	James Wright	10	
Jindalee	James F. Lowe	10	Allowed £10 for portorage of mails.	Marsden Park	Mrs. Mary Cassidy	15	Allowed £5 for portorage of mails.
Jindera	Mrs. E. Haberecht	26	Telegraph Mistress at £26; allowed £1 for light.	Marshall M'Mahon Reef	M. J. Cahill	10	
Joadja Creek	William Cairns	19	Allowed £25 for portorage of mails.	Marshall Mount	John Banfield	10	
Jugiong	Myer Myers	16	Telegraph Master at £12.	Maryland	Alfred Greenup	23	
Kangaloon	John Curtis	18		Maryvale	Wm. Webb	15	Railway Officer in charge.
Kangaroo Creek	William Cowan	15		Matheson	John Maurer	10	
Kangaroo Valley	Miss Josephine B. Nugent	50	Telegraph Mistress at £26.	Mathoura	Peter Black	25	Telegraph Master at £30.
Kar's Springs	J. Goodworth	10		Maude	Miss E. Murphy	27	
Kayuga	Mrs. C. G. Devine	11		Mayfield	Chas. H. Roberts	10	
Keepit	Mrs. M. A. Fitzgerald	13		May's Hill	C. Joyner	10	
Kelly's Plains	Mrs. M. A. Fuller	12		Meadow Flat	Miss B. A. Brown	28	
Kellyville	Miss M. T. Pryce	10		Menangle	W. Odds	37	Railway Officer in charge.
Kenthurst	Henry Porter	10		Meranburn	D. M'Innes	30	
Kentucky	Edward Simms	28	Allowed £17 for portorage of mails.	Merindee	Miss K. M'Grath	14	
Kerrabee	Mrs. A. M'Donald	25	Railway Officer in charge.	Meroe	Henry Collins	20	
Kerr's Creek	H. J. Webb	10	do do	Merilla	Wm. Nosworthy	16	
Khancoban	W. H. Scammell	10		Merrygoen	Mrs. J. Richardson	25	
Killawarra	Archibald Moore	10		Merrylands	Horace Dengate	10	do do
Kimbriki	John Allen	11		Michelago	R. H. Lansdown	29	do do
Kinchela Creek	John Rowe	12	Allowed £24 for portorage of mails.	Middle Arm	Alex. M'Gregor	11	
Kincumber	Mrs. S. J. Dunlop	13		Middledale	Mrs. M. Lewis	10	
Kiara	Miss Annie Nickson	11		Middleton-street	Alfred L. Cooper	30	
Knorrit Flat	Mrs. Grace Mills	10		Millamurra	Frederick Marion	11	do do
Kookabookra	C. K. Simpson	18		Miller's Forest	George King	25	
Koorawatha	W. G. Healy	15	Railway Officer in charge.	Millfield	Edwin Hinchcliffe	16	
Krambach	J. J. Gallagher	52		Millthorpe	De Carteret Lockle	35	
Krawarree	M. M'Williams	15		Mingelo	Martin Moore	10	
Kunopia	Mrs. Anna Bruen	22		Milperinka	T. W. Chamoers	75	
Kurrajong Heights	Thomas Walker	14	Telegraph Master at £26; allowed £1 for light.	Minto	James King	10	do do
Laggan	Joseph J. Miller	35	Telegraph Master at £26.	Mitchell's Island	T. H. A. Chapman	10	
Laguna	William Brown	17		Mitta Mitta	John Hodge	10	
Lake Albert	James A. Daley	10		Moatefield	Edward Connor	20	Allowed £16 for portorage of mails.
Lake Bathurst	G. Shoemark	17		Mogilla	Henry Eggins	15	
Landsdown	John Warren	10		Mogo	James G. Veitch	17	Telegraph Master at £26; allowed £1 for light.
Langworthy's	Mrs. M. H. Langworthy	20		Mogira	James G. Veitch	17	
Largs	Geo. D. Roberts	24	do do	Mogilla	Henry Eggins	15	
Leet's Vale	Jonathan Leet	10		Mogira	James G. Veitch	17	
Leighwood	Robert Weeks	10	Allowed £19 for portorage of mails.	Mogira	James G. Veitch	17	
Lewis Ponds	F. H. Faddy	20	Telegraph Master at £26.	Mogira	James G. Veitch	17	
Lidsdale	Miss Margt. Holt	31	Allowed £30 for portorage of mails.	Mogira	James G. Veitch	17	
Lilyfield	D. M. Anderson	12		Mogira	James G. Veitch	17	
Limeburner's Creek	Mrs. F. Hockett	23		Mogira	James G. Veitch	17	
Linekilns	Hamilton Hume	11		Mogira	James G. Veitch	17	
Linburn	Mrs. M. Wittstock	10		Mogira	James G. Veitch	17	
Lincoln	E. Hoffmeister	14		Mogira	James G. Veitch	17	
Lionsville	Robert Wilkinson	16		Mogira	James G. Veitch	17	
Little Billabong	Mrs. Ann Kirby	41		Mogira	James G. Veitch	17	
Little Hartley	Henry Williams	25		Mogira	James G. Veitch	17	
Lochinvar	Charles Read	42		Mogira	James G. Veitch	17	
Locksley	Edward Moodie	12	Railway Officer in charge.	Mogira	James G. Veitch	17	
Long Reach	Emily M'Mahon	16		Mogira	James G. Veitch	17	
Lord Howe Island	Campbell Stevens	10		Mogira	James G. Veitch	17	
Lostock	F. M'Namara	14		Mogira	James G. Veitch	17	
Lower Hawkesbury	Thomas Watkins	11		Mogira	James G. Veitch	17	
Lower Portland	Wm. Everingham	14		Mogira	James G. Veitch	17	
Lowesdale	Samuel Samprell	11		Mogira	James G. Veitch	17	
Lowther	Mrs. M. A. Cassidy	10		Mogira	James G. Veitch	17	
Lucknow	H. W. Newman	54	Telegraph Master at £26.	Mogira	James G. Veitch	17	
Luddenham	Miss C. Wallace	21		Mogira	James G. Veitch	17	
Lyndhurst	H. J. M'Auliffe	30	Railway Officer in charge.	Mogira	James G. Veitch	17	
Macdonald Town	Henry Knight	15		Mogira	James G. Veitch	17	

Office.	Name.	Salary per annum.	Remarks.	Office.	Name.	Salary per annum.	Remarks.
Mulloon	George Scott.....	£ 12		Purnamoota	E Sim	£ 30	
Mumbil	T. M. Sherriff	10	Railway Officer in charge.	Putty	Mrs. E. A. Ridge..	11	
Mummell	Miss T. M. Aberton ..	14		Pyree	Miss I. Finlayson..	19	
Mungunyah	Chas. J. Conway... 13			Quambone	F. Flood, jun.	21	
Murga.....	James Glazier, senr. 23			Quipolly	Frederick Burden..	20	
Murray Hut	G. W. Jones..... 13			Quipolly Creek	Mrs. Eliza Doolan..	17	Allowed £12 for portorage of mails.
Murrumbateman ..	W. M'Clung..... 13		do do	Raglan	Francis Davidson... 30		Railway Officer in charge.
Murrumbidgee ..	Richard Barton .. 14			Rainbow Reach.....	Samuel Sheppard.. 11		
Murrungundy	D. A. Gillis	10		Rankin's Springs ..	Alfred Marshall ... 35		
Muttama	Alex. Armstrong... 12		Allowed £39 for portorage of mails.	Ravensworth	J. W. Armstrong.. 20		do do
Myrtleville	Wm. Price	15		Rawden Vale.....	A. T. Laurie..... 11		
Narara	Wm. Cook	10	Allowed £5 for portorage of mails.	Rawdon Island.....	John Downes	10	
Narellan	Mrs. I. Macpherson ..	42		Redbank.....	Mrs. M. Murray ... 13		
Narooma	George Fuller	10		Red Range.....	W. D. Bourke..... 15		
Narrabri Railway Station.	Patrick Hoolahan.. 36		Railway Telegraph Operator in charge at £26.	Red Rock	John Donoghue ... 16		
Narramine	J. W. Byrnes	29	Railway Officer in charge.	Reidsdale	John M' Mahon ... 12		
Narrawa	Benjamin Cramp... 10			Reid's Flat.....	C. O'Leary	19	
Nelson's Plains	Mrs. Eliz. Pratt ... 11			Rix's Creek	Thomas Lengworth 10		
Nerriga	Michael Nolan..... 12			Robbinsville	Frederick Robbins.. 10		
Nerrigundah	James Pollock	18		Rob Roy	Miss C. Taylor..... 12		
Neurea	J. A. Brien	20		Rockdale	S. York	15	do do
Neutral Bay	W. Hume	30	Telegraph Master..	Rockwell	W. J. L. Mathewson 10		
Never Never	William Lean	10		Rocky Glen	R. H. Hill	23	
Newbridge.....	Charles Little	35	Railway Officer in charge.	Rocky Hall	James Whitby..... 10		
Newpark	Thomas Leonard .. 10			Rocky Plain	John J. Patrick ... 10		
Nimbin	Jas. H. Frith	10		Rocky River	Edward G. Snow... 19		Telegraph Mistress at £26.
North Berry Jerry..	Mrs. M. Buttcher.. 20			Rolland's Plains ..	Miss E. Warlters.. 15		Railway Officer in charge.
North Foster.....	Mrs. S. O'Beirne... 10			Rooty Hill.....	Wm. Price	24	
North Gobaralong..	John Carbery	10		Rosebank	Peter Williams ... 10		
North Parramatta..	Mrs. H. Tunks	30		Rosedale	Mrs. M. M'Keahnie 10		
North Richmond ..	Mrs. E. Winter	22		Rosewood	W. J. Bagust	15	
North Ryde	Alex. Adams	10		Rothbury	Mrs. P. S. Wills... 12		
North Tumbulgum..	Mrs. Eliza Logan... 19			Rouchell Brook.....	Miss G. M'Donald.. 12		
North Willoughby..	Mrs. Jane Leafe ... 25			Round Hill	Samuel Berry	30	
North Yanco.....	James Warburton.. 10		do do	Rous	Andrew Connolly.. 20		
Nowendoc	Thos. Laurie..... 13			Rouse Hill.....	George Whitting... 22		
Nubba.....	Richard Owens .. 10		do do	Rydal	John M'Nab..... 60		do do
Nullamanna	Miss P. A. Robinson 10			Rydamere.....	Frederick Rendall 10		
Numba	Thorval Haase	27		Ryde	G. M. Pope	42	Allowed £2 for fuel and light.
Numbugga	P. M'Guinness... 14			Rye Park	Henry O. Banks ... 15		
Numeralla	Hugh Agnew	23		Sackville Reach... 15	Mrs. E. Leet	15	
Oaks	Mrs. Julia Jones... 22			St. Albans	T. J. Thompson ... 16		Telegraph Master at £26.
Oakwood	Mrs. H. E. Neven .. 10			St. Clair.....	George Crittenden. 11		
Oban	Mrs. A. C. Clarke.. 12			St. Ives	George Jones	10	Allowed £10 for portorage of mails.
O'Connell	Mrs. Clara Goudge 29			St. Thomas.....	Wm. Wilmot	10	Allowed £25 for portorage of mails.
Old Junee	B. G. Potter..... 25		do do	Sandy Flat.....	Mrs. F. Cameron... 12		Railway Gate-keeper.
Ophir	George Slater	10		Sandy Hill.....	Edward Scott	10	
Otford.....	H. Scullin	18	do do	Scott's Flat	W. Doyle	10	
Ourimbah	W. H. Neary	19	do do	Seaham	Mrs. M. Callaghan 19		
Overton	Mrs. M. Longton... 10			Sebastopol	Richard Lawler ... 10		
Oxley	John Wilson	25		Sedgefield	Robert Burns	10	Allowed £5 for portorage of mails.
Oxley Island	Robert Hopper .. 13			Seven Hills	John M'Garrity ... 25		Railway Officer in charge.
Pallamallawa.....	Charles Boughton.. 10			Shaw	W. Neal	10	
Palmer's Oakey... 11	J. A. M'Kinnon ... 11			Shellharbour	J. D. Allen	52	Telegraph Master at £26. Allowed £1 for light and 18s. per week for portorage of mails.
Para Meadow	R. Edgar	10		Shepard's Town ...	Mrs. M. A. Keenan 14		
Parkville	Mrs. J. Skinner ... 14			Sherbrooke.....	James Wilson	10	Allowed £11 for portorage of mails.
Peak Hill	Wm. Carton	50		Sherwood	A. Sinfield	10	
Peakhurst	Mrs. H. Nicolson.. 10			Skillion Flat	John Kesby	10	
Pearce's Creek	John H. Smith	10		Smithfield	Adam Vallance .. 35		Telegraph Master at £26; allowed £18 for portorage of mails.
Peel.....	Mrs. B. Power..... 40			Somerton	Mrs. M. A. Woolaston 26		
Peelwood	Mrs. C. Fenton .. 18			South Bowenfels ..	A. G. Corderoy ... 23		
Pejar	George Mortimer.. 10			South Broken Hill..	Henry Field	25	
Pennant Hills	Arthur Smith	13		Southgate	A. Campbell	10	
Pericoe	Wm. Ryan	10	Allowed £12 for portorage of mails.	South Gundagai ...	Wm. Matchett..... 33		
Perricoota	T. M. Thompson... 12			Spencer's Creek.....	Robert L. Perrett.. 10		
Perth	James Foody	29	Railway Officer in charge.	Spicer's Creek	James M'Donald... 11		
Pine Ridge.....	Mrs. Eliza Dodds... 10			Spring Hill	A. Musgrove	25	[charge.
Pinnacles	Henry G. Watson... 25			Springs	D. Hoolaghan	26	Railway Officer in
Pipcr's Flat	Wm. Johnson	20	Allowed £20 for clearing receivers. Railway Officer in charge.	Springside	John Long	16	do do
Pitt Town	Joseph Hobbs	23		Springwood	Arthur Kennedy... 36		do do
Plumpton	W. C. Yell	26	Allowed £15 for portorage of mails.	Stanborough	Miss H. Scott	22	
Pokolbin.....	Mrs. S. J. Blick ... 10						
Ponto	Mrs. A. Douglas ... 11						
Pott's Hill	James Scott	10					
Prospect.....	James Watts	18					
Prospect Reservoir.	Samuel Wilkinson. 15						
Punkulla	Chas. E. Brice	20					

Office.	Name.	Salary per annum.	Remarks.	Office.	Name.	Salary per annum.	Remarks.
Stannifer	John Smythe .	£ 20	Telegraph Master at £20; allowed £1 for light.	Tullumbar	W. A. Miller	£ 12	Allowed £15 for portorage of mails.
Stembrook	Edwin Hickey	10		Tumbulgum .. .	Miss Louisa Tobin	40	Telegraph Mistress at £52; allowed £3 for light.
Stewart's Brook .	R. H. Carter	10		Two-mile Flat	G. Rush	13	
Stockyard Creek .	Mrs. Mary O'Shea	10		Tyndale ..	W. J. G. James	12	Allowed £16 for portorage of mails.
Stonehenge	John Moloney	10	Allowed £20 for portorage of mails.	Uarbry	Miss M. A. Cohen	11	
Stony Creek	Pierce C. Morrissey	12		Ulladulla . . .	Miss L. E. Gambell	52	Telegraph Mistress at £26; allowed £15 for portorage of mails, and £2 for light.
Stuart Town . . .	Thomas Poile	36		Unaderia . . .	Mrs. Rhoda Smith	32	
Summer Island . . .	Wm. Brown . . .	20	Allowed £11 for portorage of mails.	Underbank	Stephen Duggan	18	
Sutherland	John Kell	15	Railway Officer-in-charge.	Unungar	T. H. M. Hill	23	
Swallow's Nest . . .	D. Cozier	13		Upper Bankstown..	George Waid	13	
Swan Bay	John Malone	19		Upper Botobolar .	Mrs. M. English	10	
Swansea	R. F. Talbot	18	Telegraph Master at £39; allowed £2 for light.	Upper Burragorang	Miss M. Egan	10	
Swan Vale	William Young	20		Upper Coldstream .	James M'Callum	10	
Sylvania	Mrs. Honoria Rice	20		Upper Colo	W. H. Gosper, junr	15	
Tambaroora	J. S. Willard	65	Allowed £20 for rent	Upper Gundaroo	Mrs. E. Coles	23	
Tambar Springs . .	William Pugh . .	25		Upper Manilla	Mrs. M. Gaidner	26	Allowed £5 for rent
Tangmangaroo	John Boulding	19		Upper M'Donald	Mrs. Ellen Clancy	10	
Tanja	William Kelly . .	10		Upper Myall	James Newell	14	
Tarago	Walter Harris . .	15	Railway Telegraph Operator in charge at £15	Upper Pyramul	William Price	18	
Tarana	John E. Muir . . .	40	Railway Officer in charge.	Upper Run	Miss Mary Kelly	10	
Tarlo	J. Cunningham	20		Upper Turon .	Mrs. M. Phillips .	11	
Tarro Railway Sta	W. Humphreys	10	do do	Uranquilty	A. W. Rose	10	Railway Officer-in-charge
Tatham	Joseph Rathborne .	12		Urangelne	A. Crawford	20	
Tathra	J. Van Hemeit	20	Telegraph Master at £75; allowed £1 10s. for light.	Uriarra	Henry Phillips	12	
Tea Gardens	Mrs M. K. White	11		Vacy	Miss M. Morcom	20	Telegraph Mistress at £26.
Telegraph Point	Mrs Sarah Rowsell	26		Vale of Clwydd	Miss Janet Mackin	10	
Tempe	Mrs Elizabeth Hall	36		Veic	Mrs. E. Thomas	15	
Tenandra	G. W. Benton . . .	20		Vittoria	Miss Kate Sweeney	14	
Ten mile Reefs . .	T. Scattergood	20		Wagonga	Miss C. Cowdroy .	19	
Tent Hill	Miss A. H. Collins	17		Wagonga Heads	Henry Costin	10	
Teralba	H. F. Nesbitt	40	Railway Officer-in-charge.	Wagya	Miss Mary Vincent	21	
Termeil	Andrew Baxter	10		Walbundrie	Miss A. P. Lutwistle	21	
The Bulga	Mrs. F. Moore	11		Walcha Road	A. Bedford	32	do do
The Junction	Mrs A. Mills	25		Wallabadah	Miss A. Cropper	36	
The Lagoon	W. M'Spedding, sen	11		Wallangra	James Brodie	15	
The Reefs	Miss Rose M'Grath	12		Wallarobba	Henry Landers	14	
The Rock	Richard Egan	32	Railway Officer-in-charge.	Walla Walla	Franz Zilius .	11	
The Valley	Miss M. Benmore..	10		Wallendbeen	G. W. Ryan	30	do do
Thirlmere	W. Cuneo	20	do do	Walli	William Bishop	12	
Thornleigh	G. N. Gayleard	15	do do	Wambial	T. Gleeson	12	
Thuddungra	Mrs. K. C. Hughes	10		Wandandian	Miss E. Conde	14	
Thurgoona	E. T. Wignell	25		Wandella	William P. entice	10	
Tibooburra	F. Cornthwaite	50		Wandsworth	Wm. M'Crossin	17	
Tighe's Hill	M. O'Hara	22	Telegraph Master at £26; allowed 6s. per week for rent.	Wanganella . . .	Harry J. Poynter	31	
Tilba Tilba	R. M. Bate	20	Telegraph Master at £26; allowed £10 for portorage of mails.	Wangat	Mrs. E. Hancock	10	
Timbarra	Mrs. F. Maher . . .	15		Wanstead	S. Brogden	10	do do
Timbery Range . .	Robert Caldwell	15		Warkton	Mrs. Mary Wark	11	
Timbulica	Robert Allen . . .	13		Warkworth	Mrs. L. M. Rogers	23	
Timbriebungie . . .	John K. Cameron..	16		Warne	H. A. Nightingale	20	do do
Timor	Mrs. Rhoda Bruce	11		Warmeton	Robert Campbell	15	
Tintenbar	Benjamin Cooper	19		Waroo	M. A. Riley	11	
Tintin Hull	George Wilbow . .	10		Warrah Ridge . .	W. T. Squire	10	
Tomago	John Buchanan	17	Allowed £26 for portorage of mails.	Waterfall	William M'Carthy	10	do do
Tomerong	Fredk. M. Watts..	30	Telegraph Master at £26.	Watson's Bay . .	Robert Neale	26	Allowed £10 portorage of mails.
Toogong	Mrs. J. Williams	23		Wattamolla . . .	Edward Robertson	10	
Toooloom	Mrs. G. E. M'Lean	14		Wauchope	H. J. Penitt	25	Telegraph Master at £26; allowed £1 for light.
Tooma	Chas. Woodhouse..	16		Weddin	John Simpson	10	
Toongabbie	Henry Buk	10		Wee Jasper	John Wm Carey	10	
Torington	Mrs A. M'Avish	10		Welcome Reefs . . .	Thos. O'Brien	10	
Toronto	W. Hooke	10		Wellingrove	Matthew Carroll	21	
Towamba	George Martin	13		Wentworth Falls	J. Green	15	Railway Officer in-charge
Towrang	M. E. Thompson	20	Railway Officer-in-charge.	Werombi	Miss C. Cathel .	10	
Trevallyn	Miss. Anne Gosling	17		Wernis Creek	W. U. Verdon	16	Railway Officer in-charge allowed £1 light allowance.
Trundle Lagoon . .	Miss M. J. Moloney	10		West Balman . . .	Joseph Gosling	20	
Tuggranong	Mrs. M. A. Brennan	11		Westbrook	Miss Cathe Clarke	13	
				West Cambewarna	J. Abernethy, junr	10	
				West Mitchell	John Shumack	18	
				West Tamworth	Lot Mannix .	20	Railway Officer-in-charge
				West Wallsend . .	Miss M. E. Woods	10	
				Whealbah	John O'Brien	13	
				Wheeo	T. P. Glennan	10	
				Wherrol Flat	Wm Johnston	10	
				Whinstone Valley..	R. Thibon, junr	11	

Office	Name	Salary per annum	Remarks	Office	Name	Salary per annum	Remarks
Whiteman Creek	Miss A J J Roache	£ 10		Woodstock	H Alt	£ 50	Railway Officer-in charge
White Rock	Mrs M J Sloggett	14		Woodville	John E B Wynn	20	
Whittingham	Mrs M J Cousins	33		Woolgoolga	Mrs A Young	11	
Wilberforce	L H Simpson	22		Woomargama	Mrs Ellen James	32	
Wild's Meadow	Mrs Jane Hilton	18	Allowed £20 portage mails	Woonoona	John Wynn	41	
Willanthly	Matthew M'Conn	13		Woore	Mrs Eliza M'Aleer	14	
Wilham Town	Hector M'Lean	20		Wowagin	D C M'Callum	10	
Willow tree	Thomas Thomas	40	Railway Officer in charge	Wybong	Jas M'Hugh, sen	11	
Wilson's Downfall	D G Smith	19		Wyndham	F Diversi	14	
Wilson	W F Comans	10		Wyong	W J Chapman	18	
Wilton	Mrs Sarah Jones	20		Wyong Creek	Mrs E Woodbury	15	Allowed £24 portage mails.
Wimbledon	William O'Rourke	10	do do	Wyrallah	D. Howell	45	Telegraph Master at £45 Allowed £5 portage, £2 light, and £3 cleaning allowance
Windellama	Mrs E Cartwright	12		Yalwal	Mrs C Galbraith	12	
Windyey	Wm Mulholland	19		Yambla	G A R M'Lean	14	Railway Officer in charge
Winduella	James Selmes	10		Yandarlo	John E Austin	20	
Wingello	Edward Evans	16	do do	Yarra	Mrs H Ayling	17	
Wingen	Samuel Young	18	do do	Yarramalong	Mrs H Waters	10	
Wiseman's Creek	John Lovett	10		Yarraman	Thomas Lock	13	
Wollar	Mrs M A Myers	21		Yarras	Mrs F Yeldham	15	
Wollomombi	H Purkiss	14		Yarrowyck	Mrs M Sutherland	10	
Wollongbar	Wm H Smith	10		Yass Railway Statn	J J Pettingell	18	do do
Wollongough	Robert Mackerell	21		Yatheyatah	Mrs Rosina M'Gee	20	
Woolomin	M D Mills	10		Yeoval	Thomas Hand	17	
Wombet	George Lyons	32		Yerong Creek	George Upton	25	do do
Woodfordleigh	Miss M M'Millan	22	Allowed £4 portage mails	Yetholme	W C Knight	20	
Woodhull	Cyrus J Turnbull	10		Yurunga	C S Payne	20	
Woodhouselee	F J Davis	21					
Woodlands	George Vine	10					
Woodside	Rachel Andrews	13					

NOTE.—Non official Postmasters are allowed 2½ per cent commission on the sale of Postage and Duty stamps and are permitted to levy a fee of £2 2s per annum for each private mail bag they make up for settlers on mail routes. In cases where the Money Order or Savings Bank system is in operation the following commissions are allowed namely.—For each Money Order issued or paid, 3d for each Savings Bank deposit or withdrawal, 1d and 1s per cent on the amount of deposits.

RECEIVING-OFFICE KEEPERS

Staff, 300

Office	Name	Remarks	Office	Name	Remarks
Abercrombie	J T. Hemswoth		Brockley	E Jeffrey	
Aberglasslyn	Henry Mitchell		Brodie's Plains	W Lockley	
Albion Town	A H Hengs		Bront	Richard Hart	
Alfred Town	Hannah M Costello		Brookvale	J Jones	
Altou	Herman J Holschier		Broombee	John Kurtz	
Amaroo	W E Stanford	Allowed £10 per annum for portage of mails	Bruceedale	Ellen Butts	
Argenton	R Pettigrew		Bucca Bucca	Daniel Morris	
Argent's Hill	Chas Churchill		Bulga Creek	W McClafferty	
Armidale Gully	Susan L Prunt		Bullagreen	A M'Callman	
Ashley	Margaret Hassall		Bullenbong	J O Thomson	
Bachelor's Rush	Clarence C Griffiths		Bulyoi	Wm Doherty	
Balanafad	William Brown		Bungaby	John Murdoch	Allowed £15 per annum for portage of mails.
Balmoral	W J Gordon	Railway Officer in charge	Bungawalbin	John Amos	
Barber's Creek	John Hildebrand		Bunt Yards	W W Wickens	
Barry	Ednie W Goldsby		Byangum	W Hatton	
Ben Bullen	William Jaques	Railway gatekeeper	Carabost	W B Gibbs	
Bendeela	Elizabeth Blyden		Carrawobity	Eliza Stewart	
Bendick Murrell	Rowland Woodbridge	Allowed £8 per annum for portage of mails	Castle Doyle	William Kruse	
Ben Lomond	Thomas Drew	Allowed £20 per annum for portage of mails	Cuttai Creek	J Cause	
Bentallan	Edmond Hawker		Cave Creek	Wm Norris	
Bindogandria	John Job		Cental Raleigh	Edwin J Bryce	
Bingleburna	John Short	Allowed £12 per annum for portage of mails	Chidowla	W E Taylor	
Bloomsdale	W P Hennessy		Clareval	George Hicks	
Bogan Gate	W J Gilchrist		Cochran Creek	Thomas Wragge, jun	
Boggy Creek	Mrs M Rickard		Cocomingla	Thomas Smith	
Bolaro	Mary Johnstone		Coff's Harbour	Charles Campbell	
Bolton Vale	Hannah Morris		Collingullie	W Morrow	
Bongongo	Mary Ann Collins		Cooba	George Passlow	
Boonoo Boonoo	S Hawkins		Cooper's Creek	Alexander Clark	
Booroolong	Joseph Andrew		Cooplacurripa	Mrs C Homewood	
Boiambli	Theresa M'Rie		Corindi Clarence	Sarah Casson	
Boitee Creek	Richard Guest		Countegany	John Mylan, sen	
Bow	Richard Simmons		Cowlong	Edward Dawes	
Bredbo	Julia Waie	Allowed £25 per annum for portage of mails.	Cowpee	Wm T Pullen	
Brenda	C M Elderton		Cranbrook	Frank M de Weyncl	
			Cudgen	W R Boyd	
			Culpai	A Chant	
			Cundle Flat	James H Hoad	
			Cundumbul	Hugh M'Kay	

Office.	Name.	Remarks	Office	Name	Remarks
Curban	Daniel Cremin		Long Swamp . . .	M. Ryan	Allowed £12 per annum for portorage of mails.
Curra Creek	Charles Cozier.		Lower Mangrove	Sarah S Wallbank.	
Deep Creek	Andrew Buchanan		Lower Mookerawa	P Marning	
Dignam's Creek	Sarah Salway		Lower Tarcutta	Ephraim Rodd	
Downside	Thomas Potts		Luntsvale . . .	Thomas Lunt.	
Doyle's Creek	Benjamin Baxter		Macdonald River	Fredk J Junoi	Railway Officer in charge
Dry River	Miss E E Smith		Manar	James Harrison.	
Duck Flat	James Graham.	Allowed £13 per annum for portorage of mails	Maracket . . .	Isabella Strachan	
Dudauman	John Venables		Mare's Water hole.	L T. Maher . . .	Allowed £25 per annum for portorage of mails.
Duri	W Page		Markdale . . .	E. Bates	
Eatonsville	George Higham		Marrana Creek . .	George Brooker. jun	Allowed £10 per annum for portorage of mails.
Edith	Thos J Whiteford.		Marlar	Ettie Ewles.	
Eganton	Thos Giffoid		Maybole	G. M Henderson	Allowed £15 per annum for portorage of mails.
Emerald Hill	Mary J Jenkins		Meeimaul	Anthony B O'Hare	
Emigrant Creek	George Topfer		Mergal	Thomas Jones	
Fairingdon	D Louis	Allowed £10 per annum for portorage of mails	Meringlo	J J Williams	
Faulconbridge	J C Champion	Allowed £5 per annum for portorage of mails	Merool Creek	Francis Walker.	
French Park	P Brislan	Allowed £12 per annum for portorage of mails	Middle Adelong	J A. Carter	
Galston	Henry Smith	Allowed £25 per annum for portorage of mails	Milbun Creek	J R Everett	
Galwary	W. B Tylea	Allowed £12 per annum for portorage of mails	Millingandi	Thomas Miller	
Garland	Mrs R Baker		Milson's Point	John Single	Telegraph station master at £100 per annum, allowed £26 for rent
Genanagie	Joseph Bracken		Mimosa East	Miss M Noonan	
Giant's Creek	John Horney		Mitchell's Flat	John Thompson	
Gillenbah	J A M'Kay		Moonbah	Henry Filtmess	
Gingerra Station	John Coey		Moone Creek	Miss Skinner	
Glenfield	J Hartigan	Railway gatekeeper	Moorebank	A Whaley	Allowed £12 per annum for portorage of mails
Good Hope	James W M'Cutcheon		Morago	Lucy Lovett	
Gowrie	J D Delmege	Allowed £15 per annum for portorage of mails	Morriset	G H Manson	Railway Officer in charge
Grabben Gullen	James Downey		Morongla Creek	Annie Adams	
Great Southern Colliery	Edward Kennedy		Mount Aubrey	Frances Aubrey	
Greenridge	Michael Riley		Mount Browne	Arthur L Chambers	
Greenwich Park	Miss M C M'Callum		Mount Drutt	Alfred Mortimer	Railway Officer in charge
Greghamstown	Chas B Connell.		Mount Ida	Mrs C M E Smart	
Gregia	Wm. Allen		Mount Pleasant	Mary Paul	
Giogan	John M'Grath.		Mount Wilson	Mrs A E Mahoney	
Guildford Railway Stn	James O'Mara	Railway Officer in charge	Mulbring	Mary Macdonald	
Gum Flat	J W Parkins		Mulguthrie	A Reynolds	
Gurundah	J Clancy		Mullenderee	John Keating	
Halton	James Laurie		Mullumbimby	R W Reddichiff	
Hillas Creek	Robert Williams		Mundawaddera	John Quirk	
Hopefield	Samuel White		Munmura	James Lennox	
Inglewood	Robert Dunne		Munyabla	C F Agst	
Inveralochy	Walter Douglas		Murrangang	Thomas Crane	
Inveigowrie	Isabella Mitchell		Myalla	Samuel A Piatt	
Ironbong	John Elliott		Myall Falls	W Payne	
Livington	Charles Knocztzsch	Allowed £10 per annum for portorage of mails	Myall Plains	David Bogie	
Jackson's Water holes	Michael Quinn		Myrtle Creek	Elizabeth C Greenstreet	
Jangle	Elizabeth Kelly		Nanama	Thomas Walker	
Jingellic	William Metcalf		Nangai	Eva Smith	
John's River	Wm Little.		Nangus	Benjamin Makeham	
Judd's Creek	John Haywood		Narrabeen	C A Yeo	
Jump up	Thomas Brown.	Railway gange .	Nemingha	Benjamin Carter	
Kadina	Mrs Griffiths		Nerong	Ellen J Dee	
Kamandra	Wm Crow		New Cryan	Joseph Fernance	
Kangarooobie	Henry Weekes		Newlands	H Best	
Kangaroo Camp	O M'Cosker, jun		Nicholson's	Lydia Nicholson	
Kiah	John Kelly.		Nine mile	Alfred L M'Cowen	
Kildary	J Selmes		Noorong	J J Armstrong	
Kilgin	Mrs E Colley		North Bourke	Gilbert Henderson.	
Kilrush	M. Nash		North Pimlico	Levi Harrison	
King's Plains	Angus Cameron		Norton	W M M Mullen	
Kingstown	Sarah King		Oaklands	Alexr Murray	
Kingsvale	Henry King	Allowed £5 per annum for portorage of mails	Old Goree	James Hamilton	
Kingswood	F Stark		Orabai	W W Rutter	
Kyamba	F A Leseberg	Also telegraph line re paper at £155 per annum, and allowed £1 10s. for light and 2s 6d per diem for forage	Orundumbi	Mary Lynch	
Lahey's Creek	Kate Falconer		Ounie	E Fanning	
Lallaook	John Lloyd		Parkesbourne	W Weatherstone	
Lamb's Creek	M Enright		Peakview	William Huiley	
Larbert	John Stephens		Pelican Island	Bridget Regan	
Laurel Hill . . .	Joseph Walters		Piney Range	George Butler	
Linden	T S Threlkeld	Railway Officer in charge	Porter's Retreat	Daniel Maloney	
Little Bombay	James Allen		Port Hacking	William Simpson	
Little Dora	John Taylor, jun		Preston's	Theresa Preston	
Little Plain	David Collins		Pretty Gully	John Farley	
Llangothlin	Francis Casey	Allowed £10 per annum for portorage of mails	Puddledock	Maria Gay	
Long Creek	Miss M A Mallon		Pulpit Hill	W Relton	
			Ramornie	Ada Ashwood	
			Reedy Creek	T J. Walshe	
			Rock Flat	Mrs N. A. Scully	
			Rosebrook	W. Tieney	
			Rosemount	George Clout.	
			Rossiterville	James Vinden	
			Round Swamp	Ellen Barnaby	
			St George's Basin	Cyril Blacket	Allowed £8 per annum for portorage of mails

Office.	Name.	Remarks.	Office.	Name.	Remarks.
St. John's Park ... St. Leonard's Creek	William Donald. Daniel Lynch	Allowed £5 per annum for portorage of mails.	Upper Chichester...	William Moore	Allowed £13 per annum for portorage of mails.
Salisbury Plains ... Sally's Flat ... Sassafra... Savernake ... Shooter's Hill ... South Mount Hope Stanmore Railway Station.	G. M. D. Adamson. Miss B. Slattery. Eliza Griggs. Mary M'Donald. Susannah Dennis. Henry M'Cook. A. J. Gibbons		Railway Officer in charge. Allowed £10 per annum for portorage of mails.	Upper Gilmore ... Upper Landsdowne. Upper Lostock ...	John Callaway. P. J. Payne. Ralph Turner	Allowed £15 per annum for portorage of mails.
Steve King's Plain Stockinbinal ... Stony Crossing ... Stott's Creek ... Stuart's Point	A. W. Hermann. E. H. Woodhouse. George Squires. Helene M'Tyre. Joseph Southan	Allowed £5 per annum for portorage of mails and £26 per annum as telegraph operator.	Upper North Creek Upper Orara ... Upper Quinburra ... Upper Rolland's Plains. Upper Tumberumba	Miss C. Ross. J. M'Leod. George Trengrove. E. C. Naylor	Allowed £17 per annum for portorage of mails
Sunnyside ... Sutton ... Tathra Road ... Taylor's Arm ... Telagherry ... Terra Bella ... Tharwa ... The Gulf ... Thornton ... Thyra	Eliza J. Scott. Sarah Williams. W. Fenton. William Brazell. Mrs. F. H. Gossip. J. Power. George de Salis. Joseph Clifford. Mrs. C. Moran. Chas. Larcombe		Allowed £26 per annum for portorage of mails.	Wallace ... Wallan Billan ... Ward's River ... Wargeila ... Warge Rock ... Warrell Creek ... West Temora ... White Swamp ... Widden ... Wilga Vale ... Williams' Crossing.. Williamsdale ... Willy Wally ... Womboo (Rogers').. Wamboota (Edwards').. Woodhall ... Wood's Reef ... Wright's ... Wuuluman ... Wyee ...	Robert G. Wallace. Charles Dean. Wm. Davey. James Horton	Allowed £16 per annum for portorage of mails. Allowed £8 per annum for portorage of mails.
Tichborne ... Tomakin ... Tomboy ... Tabbul ... Turce Creek ... Turlinjah ... Tuckurimba ... Ulan ... Umberumberka ...	David M'Millan. E. Jennings. Matthew M'Grath. Anne Kennedy. W. M. Stevenson. Thomas Jones. James M'Aughcy. John Robinson. David Howie.			Yagobie ... Yarrara ... Yarrowitch ... Yattella ...	Sophia Maidens. W. H. Armstrong. Wm. Nivison. J. J. M'Crea.	Railway fettle.

NOTE.—The salary paid to Receiving office-keepers is £5 per annum, with the following exceptions, viz. :—Garland, £12; Greenridge, £8; Milson's Point, North Pimlico, and Turce Creek, nil; and Turlinjah, £10. Receiving Office-keepers are allowed 2 per cent. commission on the sale of postage stamps.

S. H. LAMBTON,
Secretary.

General Post Office, Sydney, 1st October, 1889.

RETURN showing Names, Ages, Salaries, &c., of persons employed in the MONEY ORDER OFFICE and GOVERNMENT SAVINGS BANK.

Name.	Age.	Length of Service.	Salary per annum.		Nature of Duties performed.
			At present.	On Estimates, 1889.	
Staff, 59.					
A. J. Doak	49	25 7	700	860	<i>Superintendent.</i> —Opens all registered letters and checks contents; enters credit remittances and balances with Bank deposit slip; signs all cheques and remittance receipts; compares all debit remittances with Bank pass book; keeps principal ledger and journal, and makes out quarterly balance sheet; interviews public on Money Order and Savings Bank business, correspondence and general supervision of Department; also a member of Tender Board.
A. R. Docker	41	22 8	600	600	
W. Burnet	45	22 0	550	550	<i>Chief Clerk.</i> —Checks chief office tellers' accounts and counts cash occasionally; writes out all cheques, and despatches debit remittances to postmasters; assists in checking daily Savings Bank accounts received from country offices; keeps cash book, debit remittances, and intercolonial and foreign account current book, &c.
W. B. Bayley	45	18 0	315	340	
J. J. Mooney	32	15 6	265	265	<i>Money Order Ledger-keepers (4).</i> —Enter from daily accounts Money Order and Savings Bank transactions, and from debit and credit remittance books, and balance the postmasters' accounts daily; extract revenue from ledgers monthly for payment into Treasury; extract postmasters' fees, quarterly statement of Savings Bank transactions, and report (when required) postmasters for holding excessive balances.
H. Reeve	29	14 2	265	265	
E. J. Clark	28	12 8	220	220	
T. Carroll	34	8 4	190	190	
G. F. White	65	14 2	190	190	<i>Assistant Clerks (2).</i> —Casting, &c.
A. E. Earls	22	7 9	165	185	

* All salaries not marked with an asterisk are subject to the 4 per cent. deduction for superannuation.

Name.	Age.	Length of Service.	Salary per annum.		Nature of Duties performed.
			At present.	On Estimates, 1889.	
PAID ORDERS (ROOM No. 14).					
W. C. Allpress	23	6 6	165	165	Paid Order Clerks (2).—Compare orders with debit side on Post-masters' daily accounts, and mark off same; ditto with Intercolonial orders and lists; extract quarterly, unpaid, and forfeited orders.
P. Clarke	24	5 4	140	140	
C. H. Coggins	21	4 9	120	120	Sorting Clerks (5).—Sort paid orders and daily accounts.
F. C. Curwood	21	3 2	75	100	
E. J. Stack	19	1 4	50*	75	
C. R. Dalgarno†	16	1 0	50*	50*	
G. O'Connor†	18	0 5	50*	50*	
F. H. Stonier	23	5 9	120	132	English, Foreign, and Intercolonial Business (3 Clerks).—Enter and despatch all advices and lists to other countries, and compare application forms with same.
C. E. Sharpe	25	4 9	132	132	
H. B. Tillidge	24	4 0	120	120	
SAVINGS BANK LEDGERS (ROOM No. 8).					
W. A. Uhr	39	23 2	315	400	Senior Officer.—Checks Savings Bank daily accounts received from country offices, and compares same with Money Order accounts; assists in checking deposit acknowledgments and interest; balances accounts quarterly, and supervises the work in Savings Banks rooms.
W. Wood	39	16 3	290	270	Checking Officers (2).—Compare Savings Bank warrants and deposit acknowledgments with ledgers, and check computations of interest, &c.
P. F. Maybury	27	11 2	220	220	
C. S. Gillham	25	7 6	190	190	Quarterly Summaries Clerk.—Assists in checking Savings Bank daily accounts; balances with senior officer all Savings Bank ledgers with Money Order Agents' accounts; and acts as relieving officer to ledger-keepers, &c.
J. Sims	37	6 10	190	190	Savings Bank Ledger-keepers (5).—Enter deposits and withdrawals, and write out warrants; compute interest on depositors' accounts; issue duplicate books when required; and assist in extracting transactions from ledgers quarterly.
A. W. Usher	29	6 3	190	190	
J. H. Davies	26	5 6	190	190	
J. G. Graham	23	7 2	165	165	
A. G. Day	23	5 4	165	165	
T. Wells	33	3 1	132	132	Depositors' Books (Clerk in Charge).—Compares books with ledgers and inserts interest; returns through post to depositors, and assists generally.
E. J. Carr	20	4 0	100	100	Warrant Clerk.—Registers country warrants before despatching them to paying officers, and has charge of paid warrants and Savings Bank statements.
E. V. Cearns	33	4 9	150	150	Relieving and Emergency Clerks (4).
J. E. Guyot	25	3 1	132	132	
W. A. Moir	19	1 8	50*	75*	
G. B. Hendersont†	17	0 10	50*	50*	
ROOM No. 5.					
E. H. K. Young	21	6 3	140	140	Cross Entry Clerks (2).—Enter all cross entries (deposits and withdrawals), and despatch warrants to paying officers, &c.
F. Parr	24	6 5	140	140	
F. L. V. Coffey	22	4 0	100	100	Daily Summary of Deposits and Withdrawals.—Enters accounts received from country offices and summarizes for payment to Treasury weekly.
J. G. McLaren	17	1 9	75*	100	Acknowledgment Clerks (3).—Write and deposit acknowledgments and sort them ready for checking officers, and write for closed books, &c.
A. J. Christie	18	1 0	50*	50*	
J. J. Rice	18	0 4	50*	50*	
ROOM No. 7.					
W. B. Scott	33	6 3	190	190	Record Clerk.—Correspondence, &c.
R. T. White	21	5 9	120	120	Repayment and Duplicate Orders, &c. (1 Clerk).—Checks applications for repayments and duplicate orders, &c., and does all the work in connection therewith; assists in opening registered letters, and makes out bank deposits slip.
W. P. Simpson	39	23 6	400	490	Paying Office (4 Tellers).— Senior: Pays all money orders. Second Officer: Pays all Savings Bank withdrawals and enters same. Third Officer: Issues all money orders. Fourth Officer: Receives Savings Bank deposits.
W. H. Wager	34	13 0	250	265	
W. H. Rowley	28	9 11	200	200	
F. G. Rabone	22	6 3	150	150	
T. Warren	22	6 0	120	120	Assistants (3).—Assist generally in the tellers' work.
W. T. Porter	20	3 3	100	100	
C. O. Blooret†	17½	1 0	50*	75	
E. B. Lumsdaine	35	17 4	315	315	Savings Bank Ledgers in Paying Office (2).— Checking Officer: Checks deposits and withdrawals. Assistant: Checks deposits and makes out warrants.
A. T. M'Shane	24	9 0	200	200	
A. Gibb	33	5 5	185	185	Ledger-keepers (2).—Same duty as Ledger-keepers in Savings Bank room.
C. M. Gee	27	4 1	150	150	
J. L. Stokes	58	10 3	200	200	Storekeeper (1).—Has charge of stores, forms, and stationery; supplies all requisitions, and performs all work in connection therewith.
W. Cracknell	59	5 10	145*	145*	Messengers (4).—Senior messenger, two boy messengers, and one in charge of lift.
T. Napier	18	4 5	75*	75*	
C. Pardey	18	4 0	75*	75*	
G. Dauncey	22	1 4	75*	75*	

* All salaries not marked with an asterisk are subject to the 4 per cent. deduction for superannuation. † Paid out of Contingencies.

S. H. LAMBTON,
Secretary.

RETURN showing Names, Ages, Salaries, &c., of Persons employed in the Electric Telegraph Department.

Name.	Designation.	Age.	Length of Service.	Nature of Duties Performed.	Salary per Annum.	
					At present.	On Estimates, 1889.
Edward Chas. Cracknell.....	Superintendent	58	32	The entire control and management under the Minister of the Departments of Electric Telegraphs, Telephones, and Electric Lights. Under the first-named department, responsible for the proper and economic construction of lines and their maintenance after construction. Advise as to the desirability or otherwise of carrying out new lines and the adoption of new systems of telegraphy, and generally have to keep the department abreast of the times in all that appertains to securing to the public the maximum of convenience in the way of telegraphic communication. In the Telephone Branch, charged with the construction and maintenance of the wires leading to the offices of over 1,000 subscribers, and to furnish the most approved apparatus for the work of the kind. In electric lighting directly responsible for the working of installations at Parliament Houses, Cowper Wharf, Circular Quay, and the General Post Office, and largely concerned in the installations at Eveleigh and the Sydney Railway Station. In all these departments there is, of course, a very large expenditure, for which he is directly responsible to the Minister; and in addition to the scientific aspect of his duties he is responsible for the proper discharge of all clerical work in connection therewith. Although not immediately concerned with his office, yet it falls upon him to advise upon all electrical matters, either in reference to motive power or to lighting, and, as an instance of this, it might be mentioned that he reported upon the question of running our trams by electricity, and now engaged in lighting the Town Hall by the same power.	£ 960	£ 960
Philip Billingsley Walker	Assistant Superintendent.	49	31 $\frac{3}{4}$	Assisting the Superintendent in the general management of the Department, and in his absence exercising the functions of the head of the Department. Opening all correspondence by post, including revenue, endorsing drafts and money orders. Certifying to monthly revenue returns. General supervision of correspondence, appointments, promotions, and also assisting in general supervision of the working of the Department in all its branches.	700	700*

* For collecting observations, £12 per annum.

ACCOUNT BRANCH.

Charles S. Gregory	Accountant	42	26	General supervision of all matters in connection with the accounts of the Department.	490	490
William Alfred Leggatt	Clerk	29	14 $\frac{1}{2}$	Examining all expenditure vouchers in connection with the Department as to computations, &c. Seeing that the expenditure is authorised, and that the vouchers contain all the information required by the Treasury and Audit Department. Preparing quarterly abstracts of rents and probationer's, and vouchers for construction of lines.	240	240
William Sinclair	Do	38	7	Keeping the register of salaries and other payments, and assisting generally in the work of the Account Branch.	240	240
Joseph William Rinaldi	Do	26	12 $\frac{1}{2}$	Preparation of all salary sheets, and abstracting same according to their respective votes, keeping appropriation ledger, and preparing monthly abstract of same, and assisting generally in work of Account Branch.	240	240
Ernest Goodson	Temporary Clerk	20	7	Entering receipt of vouchers, and assisting generally in work of branch.	75	75
Thomas W. Ferris	Clerk.....	36	12 $\frac{1}{2}$	Keeping the station ledger for revenue, British-Australian cable, New Zealand cable, and the accounts against newspaper proprietors, &c.	290	290
Denis Ryan	Do	19	5 $\frac{1}{2}$	Keeping record of country O.H.M.S. messages, revenue remittance book, and generally assisting Mr. Ferris.	100	100
C. E. Waterton	Temporary Clerk	20	7	Sorting and checking country O.H.M.S. messages, &c.	75	.....

Name.	Designation.	Age.	Length of Service.	Nature of Duties Performed.	Salary per Annum	
					At present.	On Estimates, 1888.
		years.	years.		£	£
CASH BRANCH.						
David Charles Coote	Cashier	40	15½	Supervising the receipt and disbursement of all moneys in connection with the Department, and adjusting all advances to the satisfaction of the Auditor-General.	365	365
Leopold F. A. Vermeesch	Clerk	29	13¼	Checking all revenue, preparing the receipts for same, and Treasury advices covering the amounts received, keeping a record of O.S. stamps forwarded to country stations, and otherwise assist in Cashier's Branch.	200	200
Charles J. Smith	Do	24	9	Assisting in checking revenue returns, depositing all moneys in banks, preparing salary sub-vouchers for country and suburban offices, and assisting in general work of the Cashier's Branch.	190	190
Percy J. Williams	Temporary Clerk....	18	4¾	Keeping an account of all letters sent from the Cashier's Branch, forwarding all receipts to station-masters, obtaining vouchers from Treasury, and any other duties required by the Cashier.	75	.....
CORRESPONDENCE AND RECORD BRANCH.						
Thomas Stewart	Clerk in charge of Correspondence.	31	11	Supervising general correspondence, appointments, and promotions of officers, and the work in connection with the invitation and acceptances of tenders for supply of materials for telegraph, telephones, electric lights, erection of lines, &c.	340	340
Henry A. Fox	Clerk.....	28	13½	Keeping staff register, assisting in correspondence, arrangement of promotions, &c.	240	240
Percy Howe	Do	23	7¾	General correspondence	150	150
John Samuel Melville	Temporary Clerk ...	20	5¾	Assist in general correspondence, arrangement of appointments, &c.	125	125
Sydney Sawyer.....	Clerk.....	28	12½	Assist in correspondence, copy all letters, minutes, &c. Index letter book, keep O.S. stamp account, and register of letters posted and delivered by messengers.	160	160
F. C. Freeman	Do	38	19	In charge of Record Branch	290	290
Charles C. Ross.....	Temporary Clerk ...	32	11¾	Assisting generally in Record Branch	220	.....
Arthur Lennox Rowling.....	Clerk.....	18	6¾	Do do	100	100
T. McGrath	Temporary Clerk ...	22	7½	Assisting in Record and Correspondence Branches...	78	.....
CHECK BRANCH.						
Harry Craddock Usher	Clerk in charge of Check Branch.	41	26½	Supervision of the adjustment of the daily exchanges between all stations in the Colony and their transactions with other Colonies, also the final checking of these returns with the weekly statements. Checking claims for portage.	390	390
Gustave Angles.....	Clerk.....	33	16¼	Checking Sydney statement with messages to all stations in New South Wales, also completing totals of same. Recording portage paid at Sydney. Applying for and keeping record of all deficiencies in revenue, and seeing that the same is adjusted. Adjusting collect differences from all stations to Sydney.	240	240
William Charles Cooper	Do	27	12¾	Opening daily returns from all stations and comparing messages and endorsing same. Adjusting country stations returns with Sydney check-sheet. Checking intercolonial messages from Sydney to Victoria and South Australia. Adjustment of country stations weekly statement with daily returns.	190	190
Edward Lesson	Do	49	12	Opening and comparing the daily returns from all stations in the Colony with messages. Checking Queensland intercolonial messages. Sorting daily and weekly statements.	170	170
William John Stephens	Do	24	11¾	Transfer of items from local books to Sydney daily check-sheet. Transfer of items from locals issued and transmitted to check-sheets. Adjustment of all discrepancies of the above. Balancing of issued collect-sheet with local collection book after the completion of each day's checks with country stations.	160	160
Robert Henry Johnson Dean.....	Do	25	11¾	Opening daily returns, comparing messages, and endorsing same. Comparing and adjusting exchange between all stations.	124	124
James M'Kirdy	Do	25	10¾	Opening daily returns and comparing messages with same, and assisting generally in the adjustment of the statements.	124	124
Stephen Francis Scott.....	Do	34	10½	Do do	124	124
R. William Dawson.....	Do	26	11	Assisting to transfer from local statements to Sydney daily check-sheet. Additions on daily check-sheet. Adjust discrepancies with country stations.	140	140

Name.	Designation.	Age.	Length of Service.	Nature of Duties Performed.	Salary per Annum.	
					At present.	On Estimates, 1889.
James E. Reeve	Clerk	22	5½	Opening daily returns, compare same with messages, adjust discrepancies with country stations, assist in transferring items to Sydney check sheet.	115	115
John Stewart	Do	22	7¾	Do do	110	110
Stephen James Oatley Dent	Do	21	9¼	Opening daily returns. Checking local messages with statement. Searching for messages required. Arranging messages and papers monthly.	100	100
Frederick H. Lovell	Messenger	20	5½	Assisting in opening daily returns, &c.	52	52
Albert E. Durnford	Do	18	1¼	Do do	52	52
Alexander Alfred Dircks	Clerk	31	17½	Supervision of Intercolonial Check Branch. Preparing and checking account of business between New South Wales and other Colonies. Compiling revenue returns. Entering daily collections. Revising telegraphic information for Postal Guide, &c.	295	295
James Ambrose Cassidy	Do	48	11½	Correcting in intercolonial books additions of transmitted and issued business. Seeing that all business is correctly entered.	210	210
Alfred George Turner	Do	25	8½	Checking and adjusting all business between other Colonies and all country stations in New South Wales.	115	115
William Asprey	Do	21	6¾	Preparing statements of all Head Office collections, press, and other accounts, and assisting generally in intercolonial check work.	115	115
John Earnshaw	Do	24	10	Preparing daily statements of all collect business to other Colonies. Attending to memos. respecting intercolonial checks, and assisting to adjust daily statements.	110	110

MECHANICIANS' BRANCH.

Gustavus Adolphus Kopsch	Mechanician	57	29	Charge of Mechanical Branch. Making and repairing all different systems of telegraph, telephones, electrical and scientific instruments required for all stations. Attending chief office on all holidays and Sundays to improve the working of the lines, &c.	490	490
Edwin Douglas Thomson	Instrument fitter ..	28	11¼	Making and repairing the various electrical instruments required for the use of the Department.	220	220
Charles Stroh	Do	25	5½	Do do	220	220
Richard Baum	Do	30	5¼	Do do	220	220
E. T. Don	Assistant Fitter	20	5	Do do	78	78
T. R. B. Dearin	Do	19	2¼	Do do	52	52
G. Cowles	Do	17	1	Do do	26	.....
Joseph Higgerson	Batteryman	36	6½	Attend to all main and local batteries in chief and suburban offices. Attend to cleaning of instruments in operating-room, attend to all running of inside wires in chief office and suburban offices, &c.	170	170
Robert Alexander Rae	Operator	23	7½	Assisting generally in battery-room. Assists and fixes instruments and batteries at race-meetings, and also at suburban offices, &c.	100	100
Alexander J. Smith	Assistant Batteryman	33	5½	Assisting generally in battery-room	124	124
Herbert Neville	Messenger	19	2½	Do do	52	52
Herbert W. Wright	Do	19	5	Do do	52	52

RECEIVING BRANCH.

Francis Wm. Hulme	Receiving Clerk	36	23	Officer in charge of Receiving Branch responsible for all moneys collected in Head Office. Attending to all inquiries regarding messages, and generally supervising, the Receiving Branch.	340	340
John Wm. R. Miller	Do	36	16½	Attending to the general public between the hours of 9 a.m. and 4 p.m. Receiving and checking all messages.	290	290
George Hastie Johnston	Booking Clerk	38	12	Night Officer in charge of Receiving Branch, responsible for all moneys received after 4 p.m., receiving and checking messages, and general supervision of night staff.	240	240
William Wheatly	Operator (doing clerical duty).	31	15½	Entering local transmitted measures in receiving room.	200	200
John Joseph Seage	Assistant Messengers' Overseer (acting Receiving Clerk).	24	7	Duties of receiving clerk—receiving cables and telegrams for transmission, and share responsibility of cash taken on night staff.	180	180
Wilbraham John Battye	Clerk	28	7¼	Entering intercolonial messages in receiving-room.	160	160
William O'Brien	Do	25	13	Entering local transmitted messages in receiving-room.	140	140
David Short Watson	Operator (doing clerical work.)	22	8½	Entering intercolonial transmitted messages in receiving-room.	124	124
William Larter	Messenger	27	10	Checking press and O.H.M.S. messages, and sending messages up to operating room.	78	78
Hubert Cahill	Do	19	5	Assisting generally in receiving room	52	52
James Knuckey	Do	18	4	Checking press and O.H.M.S. messages, and assisting in receiving room.	52	52
William Nicholls	Do	15	1¼	Messenger in receiving room	52	52
James Wilson	Do	18	2½	Checking press and O.H.M.S. messages, and assisting in receiving room.	52	52

Name.	Designation.	Age.	Length of Service.	Nature of Duties Performed.	Salary per Annum.	
					At present.	On Estimates 1889.
		years.	years.		£.	£.

CABLE AND EXPERIMENTAL BRANCH.

John Viles Dalgarno	Cable Clerk	47	30	Charge of Cable Branch, which embraces the entry of all business passing between the Colonies of New South Wales, New Zealand, Queensland, and all the world; also, all the business passing between the Colonies of Victoria, Tasmania, South Australia, West Australia, New South Wales, Queensland, and New Zealand. Entrusted with the testing of wires electrically and mechanically, and in charge of the apparatus with which it is proposed to establish an electrical laboratory for the use of students.	370	370
Horace Cheetham Spencer.....	Clerk.....	23	9½	To keep the books and accounts in connection with the New Zealand and British-Australian cable business, and to assist the Cable Clerk generally in the work of the branch.	160	160
Thomas Fish.....	Cable Splicer (Temporary).	49	5½	Make all splices and joints in cables. When not engaged splicing, employed in the Cable Branch looking after instruments used for testing and experimental purposes, &c.	8s. per diem.	.....
Henry Stubbs	Messenger	16	2¾	To assist in duties connected with the Cable Branch.	52	52

INSPECTORS.

Alexander Tucker*	Inspector of Lines and Stations.	53	30½	Inspection of Post, Telegraph, and Money Order Offices, which includes examination of all country and suburban postal books, telegraph books, balancing books, counting cash and stamps of the departments named; reports as to new offices, and the extension or reduction of mail services; also as to sites for buildings, accommodation required in such buildings, and fittings for same; conducts inquiries into any irregularity in the management of officers or mail contracts, or misconduct or incapacity of officials employed, and gives instructions when required as to the whole of the postal and telegraph work.	390	390
William Henry Maguire.....	Do	49	30	Do do	340	340
Michael Henry Howard	Do (South-coast and Suburbs).	31	14¾	Do do	295	295
Samuel John Watson†	Do (Railways South and West).	53	31	Do do	290	290
Michael William Moloney‡	Do (Railways North)	43	15¼	Do do	290	290
Robert Rutherford	Do (City and Suburb)	51	21¾	Construction of telegraph and telephone lines, city and suburbs; also on the Illawarra, Southern, Western, and Northern railway lines, keeping the above in repair and good working order and condition; in fact, seeing to the construction and repairs of all lines within a distance of 50 miles of Sydney.	320	320

* Receives forage, 3s. 6d. per diem for each horse (not exceeding two) when in town.

† Receives a salary of £200 per annum from Railway Department.

‡ Receives a salary of £100 per annum from Railway Department.

Inspectors travelling allowances--Fifteen (15s.) shillings per diem, in addition to actual cost of conveyance by railway, steamer, or coach when travelling on duty; or £1 10s. per diem when travelling with own horse or vehicle.

OPERATING BRANCH.

William Wilson	Manager	46	31	General supervision of traffic and working of lines throughout the Colony.	440	440*
Richard Henry Hipsley	Assistant Manager...	54	31¾	Assisting the Manager in conducting the business of the Department, and especially in taking charge of the operating room (afternoon staff).	390	390*
John Yeates Nelson	Do	37	22¾	Assisting the Manager, and supervising the operating room.	320	320
Charles Joseph Murphy	Do	37	21½	Assisting the officer in charge of the operating room, and taking charge during that officer's absence.	315	315
Henry James Sykes.....	Operator (acting as assistant manager).	38	27½	Assisting the officer in charge of the operating room, and taking charge during that officer's absence.	295	295
Henry Corbett	Telegraph Instructor	40	22	At present performing operator's duties, and testing wires and cables, pending arrangements for carrying out the proper duties of the office.	340	340
John King	Inquiry Clerk	46	13	Investigating matters connected with delay or otherwise of telegrams, and furnishing reports thereon; also custodian of tapes, telegrams, books, vouchers, &c.	240	240

* Rent £50 per annum.

Name.	Designation.	Age	Length of Service		Nature of Duties Performed.	Salary per Annum.	
			years.	years.		A present	On Estimates, 1889
						£	£
OPERATING STAFF.							
Edwin James Young	Operator	32	19 $\frac{3}{4}$			295	295
James Curry	Do	42	26			295	295
Francis Patrick Brewer	Do	34	17 $\frac{1}{2}$			295	295
Edward William Bramble	Do	33	18			295	295
William Alfred Blackstone	Do	32	18 $\frac{1}{2}$			295	295
Richard Charles Wills	Do	48	31			295	295
Henry Robinson	Do	39	22 $\frac{1}{2}$			250	250
William Charles Rush	Do	34	16			240	240
Christopher H Fitzgerald	Do	36	17			240	240
Philip John de Gruchy	Do	36	14			240	240
William Francis Corbett	Do	31	19			240	240
George Rae	Do	30	16 $\frac{1}{4}$			240	240
Charles Fry	Do	32	15 $\frac{1}{2}$			240	240
Walter Ernest Tomkinson	Do	31	18			240	240
Henry Martin	Do	36	20			240	240
Joseph Bernard Coleman	Do	32	17 $\frac{1}{2}$			240	240
James Bowen Douthy	Do	36	17			240	240
William James B Jenkins	Do	33	16 $\frac{1}{2}$			240	240
Christopher Shepherd	Do	34	14 $\frac{1}{4}$			235	235
Edmund James Haslingden	Do	31	17 $\frac{1}{2}$			220	220
Frank Sydney Bowerman	Do	29	13 $\frac{1}{2}$			220	220
Joseph Edwin Cooper	Do	33	16			220	220
Marcus Henry Lynch	Do	28	16			220	220
Arthur Sydney Cooper	Do	29	15 $\frac{1}{2}$			220	220
George Herbert Chapman	Do	30	12 $\frac{1}{2}$			220	220
Edward James Bryant	Do	26	12			220	220
James McGrath	Do	30	14 $\frac{1}{2}$			220	220
Charles Caleb Paul	Do	31	15 $\frac{1}{2}$			220	220
Henry William North	Do	26	12			220	220
John Hill Miller	Do	33	12			220	220
Albion Charles Croft	Do	46	14 $\frac{1}{2}$			220	220
James Edward Phelin	Do	33	19 $\frac{1}{2}$			220	220
George Giesty	Do	43	15 $\frac{1}{2}$			220	220
Walter James Job	Do	29	15 $\frac{1}{2}$			220	220
James Thomas Glover	Do	35	13 $\frac{1}{2}$			220	220
Herbert Alex Smith	Do	30	13 $\frac{1}{2}$			213	213
James Cormick	Do	33	12			210	210
George Nash Hayward	Do	39	11			200	200
Louis Vicars Miller	Do	28	14 $\frac{3}{4}$			200	200
Walter Goodman	Do	31	12 $\frac{1}{2}$			200	200
William Ashton Varley	Do	30	11 $\frac{1}{2}$			200	200
George Thomas Richards	Do	28	12 $\frac{1}{2}$		Sending and receiving messages.	200	200
Alfred David Bowen	Do	27	11 $\frac{1}{2}$			200	200
Philip James Johnston	Do	31	11 $\frac{1}{2}$			200	200
James William McCutcheon	Do	27	13			200	200
Henry D Edwards	Do	37	19 $\frac{1}{4}$			200	200
Patrick Joseph Howe	Do	29	14 $\frac{1}{2}$			200	200
George Brighton	Do	28	14 $\frac{1}{2}$			200	200
John Stevens White	Do	30	14 $\frac{1}{2}$			200	200
John Goldrick	Do	27	14 $\frac{1}{2}$			200	200
John Patrick Morrissey	Booking Clerk (Acting Operator)	26	11			190	190
John Charles Brairwood	Operator	27	13 $\frac{1}{2}$			170	170
Sydney Ernest Hewitt	Do	30	14 $\frac{1}{2}$			170	170
William Charles Parker	Do	25	12 $\frac{1}{2}$			170	170
Stephen Samuel Bramble	Do	28	12 $\frac{1}{2}$			170	170
James Rowland Nash	Do	27	12			170	170
Archibald John Walkom	Do	25	12 $\frac{3}{4}$		170	170	
William Joseph White Richardson	Do	25	10 $\frac{1}{2}$		170	170	
Charles Edward Stoyles	Do		15		170	170	
Moss Laird	Do	26	11 $\frac{1}{2}$		170	170	
Charles Roderick Sadler	Do	25	10		170	170	
John Cobley	Do	30	7 $\frac{1}{2}$		160	160	
Willie Herbert Pye	Do	22	11 $\frac{1}{4}$		160	160	
James Mathias Hackett	Do	23	8 $\frac{1}{2}$		160	160	
John Stroyan Donnan	Do	28	10 $\frac{3}{4}$		150	150	
Daniel James Hines	Do	26	13 $\frac{1}{2}$		150	150	
Frederick James Walker	Do	29	11 $\frac{3}{4}$		150	150	
Charles Sydney Evans	Do	28	12		150	150	
Christopher Joseph Cody	Do	28	13		150	150	
Robert George Anson	Do	28	9 $\frac{3}{4}$		150	150	
Arthur Wilson	Do	26	13 $\frac{1}{2}$		140	140	
William Walsh	Do	27	11 $\frac{1}{2}$		140	140	
James Varley	Do	26	12		140	140	
William Palmer	Do	25	10 $\frac{1}{4}$		140	140	
Harry Toils	Do	24	13		140	140	
James Jasper Crennan	Do	25	11		140	140	
Edward Charles Kraegen	Do	25	10 $\frac{1}{2}$		140	140	
Samuel Macrow	Do	26	12		140	140	
Stanley Larnach Hosie	Do	22	7 $\frac{3}{4}$		140	140	
Arthur Robert Faulkes	Do	29	14 $\frac{3}{4}$		140	140	
Frederick Golding	Do	26	9 $\frac{3}{4}$		140	140	
William Charles Lakely	Temporary Operator	31	1 $\frac{1}{2}$		125		
Alfred Joseph McGrath	Operator	26	11		124	124	

Name	Designation	Age	Length of Service	Nature of Duties Performed	Salary per Annum	
					At present	On Estimates, 1889
Clarence Cary Rowley	Operator	25	9½	Sending and receiving messages	£ 124	£ 124
John Patrick King	Do	29	13½		124	124
Alfred William Jas Williams	Do	23	11		124	124
Arthur Edward Watson	Do	24	8½		124	124
Alexander Gordon Chapman	Do	22	7½		124	124
Thomas Palmer	Do	27	7¾		124	124
Bruce Augustus Hart	Do	26	10½		124	124
George Gordon Matheson	Do	24	8		124	124
Michael Patrick Ryan Hyndes	Do	25	9		124	124
James Higgs	Do	25	10½		124	124
Arthur Williams	Do	27	9		124	124
James Swann	Do	25	3½		124	124
James Denman Kibble	Do	21	5½		124	124
Maurice O'Connor	Do	20	6		124	124
Richard Booth	Do	24	9½		124	124
James Keogh	Do	26	11		124	124
Thomas Edwin Avery	Do	28	14		120	120
Alfred William Lees	Do	22	8½		110	110
Hugh Ross Coulter	Do	23	7¾		110	110
Thomas H. Fitzgerald	Do	22	7½		110	110
Robert Henry Allars	Do	21	9½		110	110
George Goodman	Do	23	9¾		110	110
Ernest Cooper	Do	23	9		100	100
Arthur Harry Allen McKinley	Do	20	6		100	100
James Augustus McGarry	Do	20	6½		100	100
Thomas Bernard Hickey	Do	20	6½		100	100
Francis Cluton Pelham	Do	26	11¾		100	100
William McCann	Do	25	6½		100	100
Clarence William Tomkinson	Do	22	6¾		100	100
James Gould	Do	23	6½		100	100
Joseph Richard Cabel	Do	21	7		100	100
Arthur Hugh Moodie	Do	20	6½		75	75
James Adil D'Arcy	Do	19	5¾		75	75
Ernest Albert McLeod	Do	21	6½		75	75
Richard Phelps	Do	23	8		75	75
Harold Drew	Do	18	4		75	75
John Patrick McLaren Forsythe	Do	19	5½		75	75
Morgan Madigan	Do	19	3½		75	75
Ernest Mackesy Clarke	Do	19	3¾		75	75
Francis Joseph Heagney	Do	20	5¾		75	75
Joseph Lord	Do	21	5½		75	75
Frederick Robert Jackson	Do	20	4		75	75
Hubert Montague McDermott	Do	19	5		75	75
John Llewellyn Wintle	Do	19	4		75	75
Arthur Nash	Temporary Clerk (acting operator).	20	7		75	75
Henry James Lee	Operator	20	4¾		52	52
William George Anderson	Operator (doing clerical duty)	45	13½		240	240
Jabez Hambly	Clerk (booking)	32	15¾		240	240
George Cleland	Operator (doing clerical duty).	32	14¾		220	220
Charles Chapman	Do	38	14½		200	200
Ninian John Scouller	Do	31	14½		200	200
Frederick Wynne Knight	Booking Clerk	33	13		190	190
William Henry Arthur	Operator (doing clerical duty).	29	14		170	170
Frank M'Cracken	Booking Clerk	25	11	160	160	
Henry Hay Attwater	Operator (doing clerical duty)	26	10½	160	160*	
James Murray	Booking Clerk	22	7¾	150	150	
Peter James Finlayson	Operator (doing clerical duty)	29	12	150	150	
Wm. John Wareham	Do	25	10½	140	140	
Frederick Thomas Hinchy	Clerk	25	7½	140	140	
Sydney James Potter	Operator (doing clerical duty)	26	14	124	124	
John Charles David MacBride	Do	25	12½	110	110	
James J. A. Seage	Do	22	8½	110	110	
Andrew Newell	Do	24	9½	100	100	

*Rent £30 per annum

Name	Designation	Age	Length of Service	Nature of Duties Performed	Salary per Annum	
					At present	On Estimates 1889
Andrew Strachan	Operator (doing clerical duty),	21	7	Entering messages, and assisting generally on booking table	£ 100	£ 100
Albert Edward Brainwood	Do	21	6 $\frac{3}{4}$	Booking transmitted messages from New South Wales country stations to Victoria, Tasmania, Queensland, and South Australia, also from Queensland to Victoria, Tasmania, and South Australia, &c	100	100
William Sydney Smith	Do	23	8	Booking messages, addressing, and assisting generally on booking table	100	100
William Aitkenhead	Temporary Clerk	24	7 $\frac{1}{2}$	Addressing envelopes, and assisting generally on booking table	100	100
Frederick Charles Stephens	Do	20	6 $\frac{1}{2}$	Check and sort all cross business, and turning up messages for reference, &c, &c	75	
David Evans	Do	20	5 $\frac{1}{2}$	do do	75	
James Jules Angles	Do	20	3 $\frac{3}{4}$	Addressing envelopes and booking messages	75	
Richard Arthur Lawler	Do	21	6 $\frac{1}{2}$	do do	75	
John Thomas Ryan	Do	20	3	do do	75	
Richard Musgrave	Assistant in store	42	15 $\frac{1}{2}$	Sorting messages and checking same, &c, &c	104	104
William Samuel McCrossin	Probationer	16	10 ms	Learning to operate and assisting when required	£6 10	
Ernest Duriant	Messenger	18	3 $\frac{1}{2}$	Folding and checking messages for delivery	52	52
Ormond James McDermott	Do	17	3 $\frac{1}{2}$	Stamping messages in operating room	52	52
Richard S Cooper	Do	19	5 $\frac{1}{2}$	Addressing messages for delivery	52	52
Edward Phillips	Do	19	4 $\frac{3}{4}$	Distributing messages in operating room	52	52
Henry Ernest McCracken	Do	20	6 $\frac{1}{4}$	Messenger in charge of Sydney messages	52	52
Ernest Edward Truss	Do	22	5	Collecting and distributing messages	52	52
William Perry	Do	19	6	Sorting and checking messages	52	52
James Leaney	Do	21	5 $\frac{1}{2}$	Addressing messages for delivery, &c	52	52
Charles A Porteus	Do	19	5 $\frac{1}{2}$	do do	52	52
William Driscoll	Do	17	3 $\frac{3}{4}$	Folding and checking messages	52	52
Ernest Donald Albert Livermore	Do	19	5 $\frac{1}{4}$	On duty at operating room door	52	52
John Ferdinand Storm	Do	19	4 $\frac{1}{2}$	Stamping messages in operating room	52	52
Robert Smith	Do	19	4	Distributing messages in operating room	52	52
Joseph William Reed	Do	17	3 $\frac{1}{2}$	Addressing messages	52	52
John Wm Mellor	Do	20	3 $\frac{1}{2}$	Distributing messages in operating room	52	52
Alexander Thomson	Do	15	1 $\frac{3}{4}$	Attending to messages for transmission	52	52
Alexander Grieve	Do	17	2	Operating in head and suburban offices	52	52
George Ernest Janson	Do	16	1 $\frac{1}{4}$	Distributing messages, &c, in operating room	52	52
James G Johnson	Do	17	1 $\frac{1}{4}$	Attending at operating room door	39	39
Wm Donovan	Do	18	3	Collecting and distributing messages	52	52
John Condie	Do	19	3 $\frac{1}{2}$	do do	52	52
Lionel D Bonner	Do	16	2	do do	52	52
Alfred John Harris	Do	19	2 $\frac{1}{2}$	do do	52	52
William A Tollis	Do	17	2 $\frac{1}{2}$	Folding and sealing messages and envelopes	52	52
Mark Cohen	Do	18	1 $\frac{1}{2}$	Collecting and distributing messages	52	52
Robert Butcher	Do	16	$\frac{1}{2}$	do do	39	39
John Sydney Hay	Do	16	3 $\frac{1}{2}$	do do	52	52
George Walter Sefton	Do	19	3 $\frac{1}{2}$	do do	52	52
James Wm Scott	Do	18	5	Messenger to the Assistant Superintendent and Manager	52	52
George Benjamin Watson	Do	16	3 $\frac{1}{2}$	Messenger attending on Superintendent	52	52

DESPATCH BRANCH

George Selwyn Lisle	Messengers' Overseer	36	3 $\frac{1}{2}$	Supervising Despatch Branch; conduct of messengers, despatch of messages, supply of uniforms and bags, registering applications and examining candidates for admission as messengers, &c.	240	240
John News	Booking Clerk	24	8 $\frac{1}{2}$	Entering in register, and sending out all messages, and generally assisting messengers' overseer	140	140
Charles Buchanan	Messengers' Night Overseer		$\frac{1}{2}$	Supervising Despatch Branch at Night	145	145
George Humphreys	Messengers' Overseer (temporary)	40	$\frac{1}{2}$	Inspecting messengers (outdoor) from 5 p m. until 12 p m	7s per diem	
Walter Chaplin	Do	53	$\frac{1}{2}$	Inspecting messengers from 9 a m until 5 p m	7s per diem	
John Joseph Brett	Messenger (senior)	20	6 $\frac{1}{4}$	In charge of Despatch Branch from 11 p m until 8 45 a m	78	78
James Wilson	Do	20	5 $\frac{3}{4}$	Attending to all collect and press messages, and checking portorage book	78	78
Frank Wm Sherman	Do	22	7	Assisting in despatching messages; entering all cable ciphers and instructions received; assisting on press and collect books, &c	78	78
Colin Campbell Smith	Messenger	19	3 $\frac{1}{2}$	Furnishes result sheet, attends to all "returned" messages, assists on circuit book, &c	52	52
George Blake	Do	20	4 $\frac{1}{2}$	In charge of circuit book	52	52
Edward May	Do	22	7	Entering in register and supervising despatch of messages on night staff	52	52
Richard Poulter	Do	20	5	In charge of circuit book, night staff	52	52

Name.	Designation.	Age.	Length of Service.		Nature of Duties Performed.	Salary per Annum	
			years.	years.		At present.	On Estimates, 1889.
						£	£
Augustus Philip Sargeant	Messenger	19	5			52	52
Timothy Maloney	Do	19	5			52	52
George Joseph Asken	Do	18	4½			52	52
A. Archer	Do	17	2½			52	52
James Bastable	Do	18	4½			52	52
Samuel Johnson	Do	19	4¼			52	52
Sydney Watts	Do	19	3			52	52
Edward Paul Ford	Do	18	3½			52	52
John Clarke	Do	17	2¾			52	52
John Joseph O'Brien	Do	18	4½			52	52
Arthur Walpole	Do	16	2¼			52	52
Robert O'Neil	Do	17	3			52	52
Michael Keane	Do	16	2			52	52
John Felix Sheridan	Do	16	1½			52	52
Henry John Plunkett	Do	15	1½			52	52
William Swain	Do	17	3			52	52
John Bourke	Do	17	2			52	52
William Nesbit	Do	16	2½			52	52
Richard Woodward	Do	17	4½			52	52
Wm. James Stroud	Do	14	1			52	52
Henry John Waterton	Do	15	1½			52	52
George Furse	Do	18	3¼			52	52
John Thomas Stevens	Do	16	1¼			52	52
Michael Kelly	Do	17	3			52	52
Wallace McRae	Do	18	1½			52	52
William Pinkstone	Do	19	1¾			52	52
Ernest Arthur Shaw	Do	15	7	mths.		39	39
Thomas D. gin Goggin	Do	16	1	yrs.		39	39
Alexander McGregor	Do	15	1¼			39	39
William New	Do	19	2¼			52	52
William George Byrne	Do	17	2½			52	52
Thomas Mervyn Harvie	Do	17	2¼			52	52
Duncan McRae	Do	16	1			39	39
Montague Longford	Do	18	4			52	52
James Ryan	Do	19	3¼			52	52
Thomas Wallace Moon	Do	16	1¼			39	39
James Latham	Do	16	1½			52	52
John Taylor	Do	18	3			52	52
Henry Beed	Do	17	3½			52	52
Richard Evans	Do	17	3			52	52
Henry Hall	Do	20	3½		Delivering telegrams	52	52
William Clake	Do	16	1¾			52	52
Thomas Gray	Do	15	1			39	39
Arthur J. Bastian	Do	16	1			39	39
Arthur Windon	Do	16	1			39	39
Herbert E. Millington	Do	19	3			52	52
Robert Armour Sinclair	Do	18	1			39	39
Arthur Hughes	Do	15	1			39	39
Maurice Maxwell	Do	18	1			39	39
Denis Doyle	Do	18	3¾			52	52
Thomas White	Do	16	1¼			52	52
Charles Maish	Do	18	1¾			52	52
Thomas Bruce	Do	17	2½			52	52
Richard E. Manning	Do	16	1¼			52	52
Arthur E. Longstaff	Do	16	9	mths.		39	39
Herbert Noakes	Do	17	9			39	39
Robert Mitchell	Do	16	4			39	39
Wallace B. Coutts	Do	18	4			39	39
George M'Donald	Do	14	3			39	39
Frank M. Armer	Do	16	9			39	39
Henry Selby	Do	15	4			39	39
William John Small	Do	17	6			39	39
David Judge	Do	19	4			39	39
James Marr	Do	14	2			39	39
Amos John Smith	Do	15	2			26	26
Arthur Baker	Do	15	2			26	26
Bruce Henderson	Do	15	3			26	26
John James Lawson	Do	15	3			26	26
Robert Miller	Do	15	1			26	26
Edmund Mason	Do	16	1			26	26
Francis Bailey	Do	15	7			39	39
Robert Swan	Do	16	7			39	39
Herbert Scott	Do	14	5			39	39
Henry Otto Bohlson	Do	16	9			39	39
William Enwood	Do	17	8			39	39
John Joseph Corbett	Do	17	2			26	26
James Franklin Weir	Do	16	1¼	yrs.		52	52
Robert H. Moodie	Do	16	9	mths.		39	39
Thomas Tracey	Do	16	11			39	39
Leonard Dickenson	Do	15	10			39	39

Name.	Designation.	Age.	Length of Service.	Nature of Duties Performed.	Salary per Annum	
					At present.	On Estimates, 1889.
		years.	years.		£	£
STORE BRANCH.						
Frederick Valentine Hedges	Clerk in charge of stores.	55	13½	The control and management of the Store Branch of the Department.	300	300
Robert Campbell	Clerk	34	13	Ledger-keeper, check vouchers, &c., and assist generally the clerk in charge of stores.	240	240
John Muir	Do	54	10¾	Keep inward and outward day books. Invoice and forwarding clerk, &c.	200	200
Michael M'Auliff	Storeman	47	11¾	Receiving and forwarding stores, packing and store work generally.	9s. per diem.	.....
Johan Svenson	Assistant Storeman.	44	6¾	Assist in store, packing, receiving, and delivering stores and line material.	7s. per diem.	.....
Herbert Foyler	Messenger	18	3½	Messenger and assisting in clerical work	52	52
John Hade*	Assistant storeman and signalman.	33	4¾	Assist generally in store and hoist signals in Post Office tower.	1s. per hour.	.....

* Hoisting signals, 5s. per week.

TELEPHONE BRANCH.

Thomas Hammand	Manager	36	17	General supervision and management of the branch	390	390
Samuel J. Salter	Overseer	45	16½	In charge of Mechanical Branch, supervises all fitting and repairing work, examines all telephones before erection, and visits subscribers' offices to rectify faults, &c.	300	300
Herbert Bloore	Assistant Overseer	30	5½	Fitting and repairing telephones	170	170
Ernest Augustus Langeschwerdt	Overseer	25	7½	In charge of Telephone Exchange, and care of all apparatus in connection with multiple switchboard	150	150
John Alexander Easton	Line Overseer	39	5	Keeping telephone wires in good working order, connecting new lines, and assisting generally.	150	150
William Robinson	Overseer	23	7½	Rectifying telephone troubles, attending to batteries, erecting new telephone lines, doing fitting work in shop when required.	124	124
Bernard P. Cashin	Do	20	6½	Rectifying telephone troubles, attending to batteries, erecting new telephone lines, and fitting in shop when required.	124	124
Wm. Robert Clayton	Do	20	6	Rectifying telephone troubles, attending to batteries. Erection of telephones, and fitting work in shop when required.	100	100
George Herbert	Do	19	2¾	Assisting officer in charge of Telephone Exchange	75	75
George Azel Kelly	Batteryman	22	5	Partly engaged in clerical work in manager's room, and answering telephone calls; also doing fitting work in shop.	95	95
Edgar Samuel Hudson	Overseer (assistant)	23	5	Rectifying telephone troubles, attending to batteries, erection of telephones for new subscribers.	100	100
James Albert Marvel	Assistant Overseer	22	7½	Rectifying telephone troubles, attending to batteries, and erection of telephones for new subscribers.	100	100
David Gilroy Sutton	Do	20	4	Attending switchboard	78	78
Joseph W. Beston	Do	18	2½	Attending switchboard	75	75
Albert Henry Belcher	Switchboard attendant.	20	5	Rectifying telephone troubles, and attending to batteries. Erection of telephones for new subscribers.	78	78
Walter Afred M'Cowen	Do	20	4½	Rectifying telephone troubles, and attending to batteries. Erection of telephones for new subscribers.	78	78
Aubrey Neville	Do	17	4	Telephone switchboard attendant	78	78
Samuel Benjamin Jefferson	Do	21	6½	Looking after operators, and attending to irregularities in Telephone Exchange.	78	78
Joseph Bede Beston	Do	21	7	Switchboard attendant	75	75
John Murray	Do	18	2¼	Do	52	52
Frank A. Williamson	Do	18	2	Do	52	52
Walter Watson	Do	16	2	Do	52	52
John Holder	Do	19	3½	Do	52	52
Arthur Ernest Clayton	Do	15	1¾	Do	52	52
Charles Neville Breen	Do	17	1¾	Do	52	52
Edgar L. Pym	Do	16	1½	Do	39	39
Charles Henry Dumbarton	Do	15	1¾	Do	39	39
George Henry Smith	Do	16	11 months.	Do	39	39
James Daniel Cooper Blore	Do	17	10	Do	39	39
Charles Henry Reynolds	Do	17	10	Do	39	39
William Thomas D. Jenkins	Do	15	10	Do	39	39
Philip Frederick Banks	Do	17	10	Do	39	39
Albert H. A. Harris	Do	15	4	Do	26	26
Wyndham Simmons	Do	15	6	Do	26	26
Henry Albert Christian	Do	15	6	Do	26	26
John Leo Gray	Do	14	1	Do	26	26
David Berkeley	Messenger	19	years. 4¾	Do	78	78

Name.	Designation.	Age.	Length of Service.	Nature of Duties Performed.	Salary per Annum.	
					At present.	On Estimates, 1889.
		years.	years.		£	£

TELEPHONE BRANCH (Country and Suburbs).

Henry Allen	Switchboard attendant, Balmain.	15	1½	Switchboard attendant	52	52
Bernard Maguire	Overseer, Newcastle.	29	13½	Erection of telephones for new subscribers. Attending to batteries.	170	170
Walter Merrion	Switchboard attendant, Newcastle.	19	4½	Switchboard attendant.....	52	52
Francis Thomas Ford Langeschwerdt.	Switchboard attendant, Newtown.	16	1½	Do	52	52
Albert Robert Filmer	Switchboard attendant, West Maitland.	16	months. 10	Do	26	39

ELECTRIC LIGHT BRANCH.

James S. Fitzmaurice*	Engineer	28	6	Superintending generally the Electric Light Branch, the hydraulic lift and air compressor in connection with the General Post Office. Attending to electric bells, Parliament House.	251	251
Thomas Murphy	Do	45	5½	In charge of electric lights, Circular Quay. Keeping in running order engine, 3 dynamos, 28 arc Brush lamps. Cleaning lamps daily.	213	213
William Wallace Gallie†	Do	35	5½	In charge of electric lights, Parliament House. Keeping in working order dynamos, lamps, &c. Attending to electric bells.	161	161
Murdoch McKenzie.....	Do	25	6½	In charge of electric lights, Cowper Wharf. Keeping in working order engine, dynamo, lamps, &c. Cleaning lamps daily.	213	213
Christian Reffs	Assistant engineer ...	32	3	Attending engine at Circular Quay from 10 p.m. to daylight, then clean engine and dynamos.	156	156
George Garrick	Do	48	6	Driving engine for electric light at Parliament House. During recess engaged in same capacity at Circular Quay and Woolloomooloo Bay.	156	156
George Edward Letton	Do	37	3½	In the workshop on general repairs in connection with the various electric light stations. Relieving any engineer who may be absent.	156	156
Ebenezer Boden	Do	52	3	Assisting to work the electric light at Cowper Wharf.	156	156
Allan Johnston Gardiner	Assistant (temporary)	20	½	Assisting the engineer in the electric light store and workshop. Relieving any engineer who may be absent.	52	.....
William E. Wade	Messenger	18	2½	Assisting in electric light store	39	.....
Richard Hudson	Engineer	36	5	In charge of hydraulic lifts and electric lights at General Post Office.	175†	.....
Thomas Henry Jones	Do	25	4¼	In charge of hydraulic lifts and electric lights at General Post Office.	175†	.....
George Murdoch	Do	35	¾	Assistant engineer, hydraulic lifts and electric lights at General Post Office.	9s. per diem. ‡	.....
James Cummings	Assistant engineer, G.P.O.	22	3½	Assistant engineer, hydraulic lifts, General Post Office.	104‡	156 E. lights.
John Murphy	Lift attendant	19	½	Attend to passengers and mails, &c. Attend also to air compressor.	52‡	.....
Edward Owens	Do	19	2¼	Attend to passengers, mails, &c. Attend also to air compressor.	52‡	.....

* Attending to bells, Parliament Houses, £26 per annum.

† Attending to electric bells, Parliament House, £26 per annum.

‡ Paid from Electric Telegraph contingencies.

MISCELLANEOUS.

Charles Biggs.....	Line repairer	50	16	Repairing telegraph lines in and around Sydney	245	245
John Leavy	Stableman	45	15½	Attending to messengers' ponies, &c.	130	140*
Reburton Powell	Operator	27	6½	In charge of stores set apart for receiving and classifying departmental books, papers, &c., from Head Office and country stations.	124	124
John Wright.....	Carpenter.....	44	5½	Employed as carpenter to the Department.....	11s per diem.	.....

* Rent, £30 per annum.

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REGISTRAR-GENERAL'S DEPARTMENT.

(REPORT ON, BY REGISTRAR-GENERAL.)

Ordered by the Legislative Assembly to be printed, 13 August, 1890.

The Registrar-General to The Principal Under Secretary.

Registrar-General's Department,

Sir,

Sydney, 30 June, 1890.

Entering upon the duties of Registrar-General on the 25th March last, I considered that a general inquiry into the discipline, organization and conduct of the business of the Department to be of the most urgent importance.

The immediate result of this investigation was most unsatisfactory and proved conclusively that the greatest laxity prevailed throughout the Department; that there was no recognized authority in the conduct of the business of the several branches; and that no disciplinary rules were in existence, or, so far as I could ascertain, had ever been issued.

The want, prolonged for many years, of any authoritative regulations was painfully evidenced, and to the absence of these must, in large measure, be attributed the irregularities of attendance, the disregard of essential authority, and the apparent ignorance or forgetfulness of the Civil Service Regulations, which undoubtedly existed at the end of March last.

I do not intend to convey that insubordination, intentional and aggressive, was rife; or that any of the officers would have overtly disobeyed or wilfully ignored any direct instruction.

On the contrary, the instructions—necessarily somewhat stringent—which were issued by me for the guidance and better discipline of the Department, on the 3rd April, have been (so far as my own observation would permit a personal supervision, and the reports of the responsible officers endorse the opinion) readily adhered to and observed by the whole of the officers.

I enclose a copy of the printed instructions referred to.

Turning to that individual branch of the Department which, from past experience, it might reasonably be supposed would demand the earliest attention, I made strict inquiry into the existing system connected with the collection, custody, checking, and disposal of the Revenue and Trust Funds of the Department.

The system in operation I found to be inefficient in itself, and unsatisfactory in its application.

Mr. W. A. Abbott, the Deputy Registrar-General of Deeds, whose duties, within the proper scope of that capacity, reasonably occupy his time, had, for a considerable period, after as well as before the defalcations occurring last year, been appointed by the Registrar-General to supervise, check, and vouch for the correctness of all collections.

This duty it was manifestly impossible he could properly perform, even under the skeleton system then in operation. I

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I immediately relieved Mr. Abbott of this duty, and desired Mr. Noble, an officer of varied experience, of steadiness and good knowledge of figures, to undertake its performance.

At the same time, the method of check was entirely altered, and the personal supervision by the Acting Accountant of every document, together with the accompanying collections, guaranteed.

Provision was made that instead of the haphazard and indiscriminate passage into the registration rooms of papers and dealings, upon which fees were rightly payable, the heads of branches should not, under any circumstances whatever, permit the entry of any transaction except through the hands of the Acting Accountant.

Arrangements have been made to carry out a complete rearrangement of the management of the Crown Grants in the custody of this Department; but some time must necessarily elapse before this can be thoroughly effected, as it will demand, first, an exhaustive check of all the Grant Registers, and, subsequently, a proper adjustment with the books of the Commissioner for Stamps.

This last, judging from the results of a previous attempt, will probably prove to be a prolonged labour; but, however unsatisfactory in some respects, it will at least provide reliable data for the future, a position the Department has not as yet occupied.

An examination of the Expenditure Accounts disclosed some unsatisfactory features.

It was found that neither the deposits nor the withdrawals had been checked, and that the outstanding liabilities had not been adjusted with the credits in the Bank for many years.

After an examination, extending over a considerable period, but, by reason of press of business, not rendered fully complete, I felt justified in handing to the Treasury a cheque for £101 12s. 3d., drawn upon the General Account, and for £22 14s. 1d. upon the Advance Account, which sums—however brought into existence in the past—represented the actual surplus of assets in the Bank, when compared with the unadjusted balances due by the Department.

The requisite books, dealing in business-like manner with all collections, expenditure, check and adjustment of accounts, will be brought into operation by the 1st July proximo.

It is here assumed that it will not be considered advisable to enter further into details of accounts which come within the general scope of the preceding observations and their consequent practical action.

Coming, then, to the purely administrative work of the Department, in dealing first with the Land Titles Branch, I found, for so many years as did not admit of precise statement, that the most necessary notifications of properties under the "old" registration of deeds administration, having been brought under the operation of the Real Property Act, had not been prepared for notation against possible dealings with the same property under both holdings.

This defect, I may take permission to observe, had remained undiscovered, and so far as the requisite notations against subsequent dealings have proved, has shown that the Department has not been stultified in this respect.

The rectification of this oversight was immediately entered upon and is now being continued with all speed, the officers of each Branch being employed upon the work until half-past six o'clock every evening.

The work has well progressed, although it brings within its compass the business of transference from one distinct administration to another of all lands brought under the Real Property Act since its initiation in 1863.

The necessary notations in the Deeds Branch are proceeding, *pari passu*.

Several difficulties had occurred in connection with the issue of certificates of registration in the matter of trade marks.

This, it may be accepted, may often be of great moment and value to those originally registered—those desiring registration being refused or being subsequently registered may find themselves ousted by injunction or process by Equity.

While, under the Act 28 Vic. No. 9, the Registrar-General has full power to issue, upon his discretion, any certificate of registration of a trade mark, still he should come within the Court of common conscience, apart always from any censure of his departmental head for any demonstrable breach of duty, if he permit any rightly considered colourable imitation of a previously registered trade mark to issue to another.

I found that the Trade Marks Registers (most imperfectly kept in themselves) were indexed under the headings of the registered holders only.

This method of index may be at once condemned. Unquestionably the trade mark and the articles to which such mark is to be applied are the main subjects of the application, and the means to be utilized in deciding each right to registration.

This has now been remedied, and indices showing references to every article so affected by registration, and each trade mark so registered, are now available to the public, and for supervision by the Registrar-General in issuing any certificate. In this regard I do not see what further can be done.

PUBLIC COMPANIES' ACT.

Complaint has recently been made, mainly, with regard to the non-registration by Companies already registered, that they have failed to fulfil the provisions of the Act 37 Vic. No. 19.

There can be no question that they have so failed in many matters demanded by the Act that they shall register their transactions.

It has not been a question with me whether it were within my province (as matter of discretion) or laid upon my office (as a duty) to proceed against registered companies not carrying out the conditions of an Act under whose penalties they might come.

For the immediate moment I was powerless. The Registers and Indices were useless in the condition as they were presented to me. There was no connection with the incorporation of companies and their subsequent transactions, no sequence to their several changes, and no record of their present position.

There was nothing to show where and how they might have occasionally, habitually, or altogether failed in their legal obligations.

There is now prepared—though at present only in form—a Register, which, when compiled (as it shall be as speedily as possible), will, I venture to think, form a complete record of the companies so registered, from their birth or registration to their ultimate winding up (as provided for by the Act), as shall satisfy the keenest inquisition.

One question, in regard to any procedure against a registered company for default of compliance with the terms of the Act, remains.

But this, perhaps, need not be entered upon here, as I propose, with your permission, to pursue it in a separate communication.

BIRTHS, DEATHS, AND MARRIAGES.

These records were not in any way in any current arrear; but the Church Records (which the Government obtained by the courtesy of either the Incumbents or their representatives, from 1856 backwards to 1788) still remain unindexed and unbound.

This last matter I shall be called upon to make a special recommendation upon.

In regard to the custody of wills (which is ordinarily, I find, mentioned in connection with the duties of this Department), I may be permitted to state that the officers carrying out the duty (although they and the wills are located in this building) are appointed upon the staff of the Prothonotary, and have consequently been held to be not under my authority.

Upon this individual question I propose to submit a separate memorandum.

It will be observed that in dealing with the reorganization of the office, reformation—rather than revolution—has been the basis of action; and, with the sanction of the Colonial Secretary, I shall await with confidence the decision of the Government and the public as to whether the Department has not rehabilitated itself with regard to every phase of the business it is called upon to transact.

I have, &c.,

CHARLES PINHEY,
Registrar-General.

[Enclosure.]

Department of the Registrar-General.

Regulations for the guidance of the Officers and the better discipline of the Department.

The following instructions are issued with the view that the responsibilities and authority of the heads of branches may be placed upon a mutually recognized basis, and that the officers holding subordinate posts shall rightly understand their present relative position and duties. Hours

Hours of Attendance, &c.

The hours of attendance, ordinarily, shall be from 9 a.m. until 4.30 p.m., as provided for in the Civil Service Regulations.

As some of the officers reside a considerable distance from the head office, and may occasionally experience difficulty in reaching the Department at that exact hour, the head of a branch will allow a quarter of an hour's grace; but it is requested that such head of a branch, or other officer whom he may advise the Registrar-General he desires to depute to supervise the Attendance Book, will, at 9.15 a.m. on each business morning, rule off such book immediately below the name of the officer last arriving at that time.

The officers arriving later will sign their names and times of arrival below the line so drawn, and note, in the margin, the cause of detention.

The head of the branch will not fail to assure himself that all the officers under his control have thus signed the daily roll.

If he be satisfied with the explanation of a late arrival, the note "satisfactorily explained" should be attached.

In the event of an officer repeatedly failing to attend at the appointed time, it will devolve upon the head of the branch to bring his conduct under the notice of the Registrar-General.

To complete the daily entries in the Attendance Book, the names of such officers as may be absent upon medical certificate, leave granted, or other cause, should be added by the head of the branch to the signatures referred to, together with an explanatory marginal note.

The absence, without previous permission granted, of an officer for a whole day should be reported to the Registrar-General.

Three quarters of an hour—from 1 to 1.45 p.m.—is allowed for lunch, and this shall ordinarily be the time during which officers may absent themselves from duty.

Any alteration of this time—either for the convenience of the officers, or to meet the requirements of the Public Service—must have the approval of the head of the branch in the former case, and shall be at his discretion and under his direction in the latter, as he will be responsible for arranging that the Department be sufficiently represented during the hours it is legally open to the public. Any continued misuse of the lunch-time privilege should be reported.

It is to be distinctly understood that no officer is at liberty to absent himself during office hours, upon any pretext, without the permission of the head of the branch, who is authorized to grant such temporary leave during the day as, in his discretion, he may consider warranted by the circumstances submitted to him.

In the event of press or possible block of business, accumulation of arrears, or other cause, the head of the branch may require that the whole or any part of the staff under his control shall, within reasonable hours beyond the recognized official time, remain at their posts until the necessary work is disposed of.

A punctual observance of these Regulations will be taken into beneficial consideration when an officer may apply for increase or promotion; while their habitual or frequent disregard may seriously prejudice his claims, or lead to more serious consequences.

The head of the branch will deem it an essential part of his duty to report any gross infraction of the above Rules, as also any cases of officers rendering themselves incapable of properly performing their duty, showing insubordination, or displaying continued negligence.

CONDUCT OF BUSINESS.

Each head of a branch is responsible for the whole of the business transacted in his branch, and should formulate, and submit for approval, any further or subsidiary Regulations which he may consider advisable for its better conduct.

It is desired that all letters, certificates, and documents, of whatever nature, submitted for the signature of the Registrar-General, shall be countersigned or initialled, as the cases may require, by the head of the branch; excepting where the readier transaction of public business may suggest the advisability of officers entrusted with the preparation or immediate issue of certain dealings or other matters, being authorized to countersign or initial and present them direct for signature.

In these latter cases, the heads of branches are desired to submit to the Registrar-General the names of such officers, and a description of the documents which they recommend should thus be presented, it being understood that such documents shall be of a formal nature only.

It is essential, for the proper record of the transactions of the Department, that all letters and memoranda should be duly registered; that no action should be taken upon any document without the whole of the former papers in the case being attached; and that the instructions given, together with the particulars of any ensuing correspondence, should be noted upon the papers before presentation of the letters for signature.

CHARLES PINHEY,
Registrar-General.

Memorandum in connection with Report of the 30th June last upon the Registrar-General's Department.

Registrar-General's Department, Sydney, 9 August, 1890.

In the above-quoted letter several matters were necessarily dealt with in a tentative manner.

With reference to the question of the administration of the Companies Act, 37 Vic. No. 19, it was pointed out that there would be prepared a comprehensive Index Register of all transactions since the initiation of the Act.

The preparation of this register has been commenced; but as its compilation demands the classification and analysis of some 5,000 transactions, it will be some considerable time before it will be finally completed. Until

Until this be done, it is manifestly impossible that any general report upon the action of the companies in fulfilling or failing to carry out the provisions of the statute can be submitted.

So far as regards the records of births, deaths, and marriages, from 1788 to 1856, I have to state that the voluminous papers are being arranged and put in order for binding and indexing.

Within a few days I hope to be able to submit to the Colonial Secretary some recommendations for the preservation and greater usefulness of these invaluable records.

In the matter of the custody of wills, I am given to understand that the Prothonotary has made certain suggestions, having for their object the transfer of the two officers and their charge to the Supreme Court Office, to which they properly should be attached.

Under these circumstances, I have not proceeded further in the affair, in order to avoid the possible dual action, in different Departments, which might have followed.

In the report before referred to, it may be observed that I have not touched upon the question of the frauds which were committed in this Department in 1888 and 1889.

An exhaustive examination of these embezzlements and forgeries was made by the Treasury Officers.

The inquiry thoroughly sifted the whole of the transactions in any way connected with the frauds ; comprehensive and detailed reports were submitted and subjected to the strictest scrutiny.

The subsequent action taken is known.

The whole system of accounts has now been remodelled, and I therefore did not deem it necessary or advisable to refer to a matter which I considered was regarded as settled.

In conclusion, I may perhaps be allowed to submit, briefly, a few figures, which may afford some information as to the business transacted, and the number and value of the documents lodged in this Department for safe custody, registration, and public search.

Under the Real Property Act there have been deposited in this office instruments and dealings exceeding in number two hundred and fifty thousand.

The declared value of the land actually brought under the Act is £31,000,000.

During the past year the amount of consideration money represented by transfers was £3,333,000, while for the same period the value passed as secured by the mortgages was £7,256,000.

REGISTRATION OF DEEDS BRANCH.

In this Branch, representing the dealings in land held prior to the passing of the Real Property Act, and not since brought under its operation, the transactions registered in the ten years ended 31st December, 1889, showed consideration money to the value of £197,960,000.

The documents in the custody of this Branch numbered, on the 16th May last, 681,829.

To aid in the public and official searches there are, in addition, 550 books of index in use.

An average of 220 registers is added to the records of this Branch in each year.

The births, deaths, and marriages registrations in charge of the Department number 1,600,000, of which 213,000 are marriages.

In the Draftsmen's room 12,700 original plans are enrolled.

CHARLES PINHEY.

The Principal Under Secretary.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POSTAL AND TELEGRAPHIC DEPARTMENT.

(APPOINTMENTS MADE DURING THE HONORABLE DANIEL O'CONNORS TENURE OF OFFICE AS
POSTMASTER-GENERAL)

Ordered by the Legislative Assembly to be printed, 6 August, 1890.

- RETURN showing all New Appointments made during the Honorable Daniel O'Connor's tenure of
Office as Postmaster-General.

Name	Position to which appointed	Salary per annum.
		£ s d.
Mack, H. F.	Telegraph messenger, Cassilis	26 0 0
Clark, W.	" Summer Hill	26 0 0
Murphy, John	Lift attendant, General Post Office	52 0 0
Gardiner, A.	Assistant, Electric Light Branch	52 0 0
Harris, F. E.	Post and Telegraph probationer, Maclean	19 10 0
King, J. B.	Temporary newspaper sorter	78 0 0
Hollinshed, F. A.	Telegraph messenger, Newcastle	26 0 0
Green, J. T. W.	Post and Telegraph Master, Bungwall Flat	78 0 0
Harkus, B.	Letter-carrier, Moruya	*78 0 0
Tunks, L.	Telegraph messenger, Parramatta	26 0 0
Pickeman, H. H.	Telegraph probationer, Kiama	6 10 0
Coucom, A.	Temporary letter-carrier, Armadale	*26 0 0
York, S. W.	" Rockdale	*39 0 0
Moore, E.	" Gundagai	52 0 0
Mashford, W.	Telegraph messenger, Neutral Bay	26 0 0
Quinlan, L.	Temporary clerk, Money Order Branch	25 0 0
Matthews, R.	" letter-carrier, Waverley	26 0 0
Exton, W. J.	Telegraph messenger, Lismore	26 0 0
Bryson, A. E.	Temporary assistant, Goulburn	52 0 0
Lochrie, A.	Telegraph messenger, Tamworth	26 0 0
Elliott, A. E.	Temporary letter-carrier, Moss Vale.	*39 0 0
M'Carthy, A. J.	Telegraph messenger, Cootamundra	26 0 0
Ella, Mrs. M. A.	Temporary assistant, Howlong	26 0 0
Davies, W. H.	Telegraph messenger, Dulwich Hill	26 0 0
Marx, Miss N.	Post and Telegraph assistant, Wiseman's Ferry	20 0 0
Corliss, W.	Mail-boy, General Post Office	26 0 0
Owens, J.	Temporary messenger, General Post Office	65 0 0
Adams, J. G.	Telegraph messenger, Moss Vale	26 0 0
Nelson, F.	" South Grafton	26 0 0
Lee, W.	Temporary letter-carrier, Adamstown	40 0 0
Ryan, Thos.	Mail-boy, General Post Office	26 0 0
Burtinshaw, J.	Telegraph line-repairer, Lismore	*150 0 0†
Leece, T. G.	Telegraph messenger, Uralla	26 0 0
Elliss, P.	" Broken Hill	52 0 0
Davies, Mrs. J.	Temporary assistant, Cootamundra	20 0 0
Laing, T. B.	Telegraph messenger, Wallsend	26 0 0
Carty, John	Telegraph probationer, Hargraves.	6 10 0
Rice, J. J.	Temporary clerk, Money Order Branch	50 0 0
O'Connor, G.	" "	50 0 0
Betts, A. G.	Temporary letter-sorter, General Post Office	50 0 0
Hatton, James	Temporary assistant, Munderooran	26 0 0
Bache, W. H.	Telegraph messenger, Grafton	26 0 0
Day, Mrs. A.	Temporary assistant, Richmond.	50 0 0
Gordon, O.	" Wee Waa	52 0 0
Henwood, W.	Telegraph messenger, Sydney	26 0 0
Shaw, E. A.	" "	26 0 0
Bailey, F.	" "	26 0 0
Barker, W.	" Waverley	26 0 0
Holmes, P.	" Balmain	26 0 0

* And forage allowance.

† Previously employed temporarily.

Name.	Position to which appointed.	Salary per annum.
Strom, J.	Telegraph messenger, William-street	£ 26 0 0
Deery, C.	" "	26 0 0
Owens, J. R.	" King-street	26 0 0
Hogan, John	" Alexandria	26 0 0
Martin, C.	" Wellington	26 0 0
Snow, W.	" Hillgrove	26 0 0
Eisenstaedter, H. W.	Temporary clerk, General Post Office	50 0 0
Lowndes, A.	Telegraph messenger, Lithgow	26 0 0
Mason, W. J.	Temporary sorter, General Post Office	31 4 0
O'Donnell, F.	Overseer of construction, Electric Telegraph Department	*0 16 0 per day.
Robertson, W.	Temporary assistant and Telegraph messenger, Mumi	£20 and £26
Tyler, F. G.	Telegraph messenger, South Woodburn	26 0 0
Moyse, Miss M. A.	Temporary assistant, Redfern	40 0 0
Smith, C. G.	Temporary clerk, General Post Office	0 6 0 per day.
Warn, J. E.	Temporary assistant, Burrawang	50 0 0
Preston, A. J.	Telegraph messenger, St. Leonards	26 0 0
Greenwell, C. T.	" Hunter's Hill	26 0 0
Hendy-Pooley, G.	Temporary clerk, General Post Office	0 7 0 per day.
Keohan, Mrs. E.	" assistant, Wallsend	26 0 0
Turbill, A. E.	" messenger, Broken Hill	52 0 0
Harvey, M.	" "	52 0 0
Timms, Miss A.	Telephone operator, Reedy Flat	26 0 0
Gribble, J. H.	Temporary receiver clearer and Telegraph messenger, Temora	£13 and £26
Hedge, A. G.	Telegraph messenger, St. Leonards	26 0 0
Warland, A.	" Newcastle	26 0 0
Beilby, G. W.	" Nambucca Heads	26 0 0
Beckinsale, W. J.	" Sydney	26 0 0
Swan, R.	" "	26 0 0
Small, W.	" "	26 0 0
Bray, S.	" "	26 0 0
Simmons, W.	" "	26 0 0
Butcher, R.	" "	26 0 0
Green, J. C.	" "	26 0 0
Christian, H.	" "	26 0 0
Brazill, T.	Temporary receiver clearer, Orange	26 0 0
Lister, A. L.	Temporary assistant, Oxford-street	50 0 0
Cohen, J. M.	Telegraph messenger, Carrathool	26 0 0
Westley, C. H.	Temporary letter-carrier, Dungog	31 4 0
Lalchere, W.	" Drummoyne	†52 0 0
Keefe, J. W.	Telegraph messenger, Guyra Railway Station	26 0 0
Byers, J. R.	" Hay	26 0 0
Gunning, W. J.	" "	26 0 0
Woollett, H. O.	" Narrandera	26 0 0
Buckley, J.	" Lyttleton	26 0 0
Dartnall, E.	" Orange	26 0 0
Kay, A.	Probationer, Wickham	6 10 0
Waddington, J.	Temporary receiver-clearer, Newtown	*39 0 0
Marks, T. J.	" Petersham	*39 0 0
Selby, H. J.	Telegraph messenger, Sydney	26 0 0
Salmon, J. P.	" "	26 0 0
Coutts, W. B.	" "	26 0 0
Judge, D.	" "	26 0 0
Lawrence, R.	" "	26 0 0
Miller, J.	" Junee	26 0 0
Peters, Miss J.	Temporary assistant, Hamilton	25 0 0
Daley, J. J.	Telegraph messenger, Orange	26 0 0
Longton, W.	Temporary letter-carrier, and Telegraph messenger, Sunny Corner	*£13 and £26
Coyte, S.	Telegraph messenger, Rookwood	26 0 0
Harris, A. H. A.	Switchboard attendant, Telephone Exchange	26 0 0
Mitchell, R.	Telegraph messenger, Sydney	26 0 0
Alldis, E. J.	Temporary assistant, Young	52 0 0
Smedley, W.	Telegraph messenger, Lower Botany	26 0 0
Rogers, W. G.	Temporary letter-carrier and Telegraph messenger, Nyngan	*£26 and £26
Hanshaw, F.	Telegraph messenger, Petersham	26 0 0
Moore, W. J.	" Guyra	26 0 0
Pollitt, W. E.	" Balranald	26 0 0
Cock, S. W.	" Tamworth	26 0 0
Axford, J. W.	Temporary letter-carrier, Lithgow	*39 0 0
Mann, A. J. S.	" Mittagong	*39 0 0
Madden, T.	" Redfern	96 0 0
Scott, H.	Telegraph messenger, Sydney	26 0 0
Piggott, C. H.	" Warren	26 0 0
Logan, Mrs. M. E.	Temporary assistant, Ginninderra	20 0 0
Penglaze, A.	Telegraph messenger, Newcastle	26 0 0
Charlton, F. G.	" "	26 0 0
Hood, H. C.	" Bathurst	26 0 0
Hope, J. A.	" Moree	26 0 0
Coughlan, Mrs. H. E.	Temporary assistant, Bungendore	30 0 0
Thrower, C. J.	Window-cleaner, General Post Office	50 0 0
McFadden, J.	Telegraph probationer, Araluen	6 10 0
Bremner, D.	Telegraph messenger, Tuena	26 0 0
Lowe, C.	" East Maitland	26 0 0
Smith, Miss Jane	Temporary assistant and junior operator, Wollombi	52 0 0
Kirchen, A. E.	Telegraph messenger, Summer Hill	26 0 0
Heard, F. W.	" Gulgong	26 0 0
McDonald, G.	" Sydney	26 0 0
Weatherall, Mrs. S. J.	Temporary assistant, Marsden's	10 0 0
Sampson, Mrs. M. A.	" Tabulam	25 0 0

* And forage allowance.

† Forage allowance, 2s per diem, and £13 clearing receiver

Name	Position to which appointed.	Salary per annum.
Potter, W. C.	Telegraph messenger, Nimitybelle	£ 26 0 0
Cawley, W. P.	Emergency assistant	78 0 0
McGaully, E.	Telegraph messenger, Gunnedah	26 0 0
Oldfield, E.	" Quirindi	26 0 0
Green, J.	" Petersham	26 0 0
Mulball, S. R.	Temporary messenger, General Post Office	32 10 0
Laughton, J.	Telegraph messenger, Newcastle	26 0 0
Sproule, T.	" Berry	26 0 0
McJannett, R.	" Bungendore	26 0 0
Farrow, W. R.	" Bowral	26 0 0
Charker, W. R.	Temporary letter-carrier, Bowral	*50 0 0
McCauley, R.	Telegraph messenger, Nelligen	26 0 0
McFarlane, M.	Telegraph line-repairer, Warialda	*150 0 0
McCullough, D. J.	Temporary letter-carrier and Telegraph messenger, Coonamble.	52 0 0
Gibson, A. E.	Telegraph messenger, South Head	26 0 0
Stewart, J.	Telegraph line-repairer, Newcastle	150 0 0
Bradford, W. W.	Temporary sorter, General Post Office	31 4 0
Jones, S. A.	Temporary receiver-cleaver, Newtown	*60 0 0
Kavanagh, P. A.	Mail-boy, General Post Office	26 0 0
Howard, J. F. J.	Temporary receiver-cleaver, Lismore	39 0 0
Schmidt, A. E.	Telegraph messenger, Yetman	26 0 0
Dwyer, J. E.	" Goulburn	26 0 0
Thorsby, G. A.	" Tamworth	26 0 0
Shephard, A.	Telegraph probationer, Greta	6 10 0
Lukins, Alfred	Telephone operator, Tooma	40 0 0
Marr, J.	Telegraph messenger, Sydney	26 0 0
Corbett, J. J.	" "	26 0 0
Baker, A.	" "	26 0 0
Gray, J.	Switch-board attendant	26 0 0
Smith, A. J.	Telegraph messenger, Sydney	26 0 0
Self, A.	" Deepwater	26 0 0
Steel, H.	Temporary letter-carrier, Randwick	39 0 0
Hazell, W.	Telegraph probationer, Berrina	6 10 0
West, R. O.	Telegraph messenger, Cowra	26 0 0
Simmons, W. E.	Temporary letter-carrier, St. Leonards	*39 0 0
Beattie, L.	Temporary assistant, Blackwall	26 0 0
Hearle, F. A.	Temporary letter-carrier, Leichhardt	39 0 0
Deignan, B. C.	Telegraph messenger, Bourke	26 0 0
Lawson, J. J.	" Sydney	26 0 0
Cowan, J.	Telegraph probationer, Croki	6 10 0
Husband, R. J.	Temporary letter-carrier, Katoomba	*39 0 0
Williams, W.	Telegraph messenger, Tamworth	26 0 0
Raines, W.	" Sydney	26 0 0
Bulfin, Miss A. E.	Telegraph operator, Newport	75 0 0
Toose, J. P.	Telegraph messenger, Kempsey	26 0 0
Fairhall, W.	Telephone operator, Appin	26 0 0
Haslem, E. E.	Temporary letter-carrier, Quirindi	39 0 0
Bridekirk, E. H.	Telegraph messenger, Burwood	26 0 0
Scott, P.	" "	26 0 0
Mason, E.	" Sydney	26 0 0
Miller, R.	" "	26 0 0
De Gyulay, Mrs. M. C.	Temporary assistant and Telegraph probationer, Bowral	£50 and £6 10s.
Sheridan, H. E.	Temporary letter-carrier, St. Leonards	*39 0 0
Goodwin, C.	" Lithgow	*39 0 0
O'Donoghue, T. J.	Mail-boy, General Post Office	26 0 0
Godfrey, J.	" "	26 0 0
Redriff, Mrs. C. D.	Temporary assistant, Kiandra	12 0 0
McDonogh, J. E.	Telegraph messenger, Broadwater	26 0 0
Power, M.	" Waverley	26 0 0
Hickey, H.	" Murrurundi	26 0 0
Apted, C.	" Walgett	26 0 0
Maunsell, R.	" Watson's Bay	26 0 0
McKay, Mrs. A.	Temporary assistant, Thackaringa	10 0 0
Radnidge, C.	Telegraph messenger, Murrurundi	26 0 0
Rankin, H. S.	" Jereelderie	26 0 0
Kibble, H. G.	Temporary assistant and operator, Denman	£10 and £26
Power, W. J.	Temporary letter-carrier, Waverley	26 0 0
Parker, J. S.	Telegraph messenger, Ballina	26 0 0
Burgis, W. G.	Temporary receiver-cleaver and Telegraph messenger, Liverpool	£16 and £26
Percy, W. H.	Telegraph messenger, Albury	26 0 0
Whysall, P. R.	" Broken Hill	52 0 0
Phillips, W. H.	" "	52 0 0
Lee, John	" Clarence Town	26 0 0
Percy, W. C.	" Coraki	26 0 0
Graham, C. M.	" Tumut	26 0 0
Reko, A. J.	Temporary letter-carrier, Mittagong	*39 0 0
Cleary, H. J.	Telegraph messenger, Mossman's Bay	26 0 0
Melville George	Switchboard attendant, General Post Office	26 0 0
Jacobsen, Julius	Temporary postal assistant, Sussex-street	78 0 0
Devitt, Thomas	" George-street West	50 0 0
Dargin, Miss E.	Post and Telegraph mistress, East Balmain	78 0 0
Judkins, Charles S.	Telegraph messenger, Electric Telegraph Department	26 0 0
Holmes, George	Temporary receiver-cleaver, St. Leonards	*39 0 0
Brooks, R. J.	Temporary clerk, Money Order Office and Govt. Savings' Bank.	50 0 0
Cuneo, Joseph M.	" Electric Telegraph Department	50 0 0
Collett, Augustus	Telegraph messenger, Queanbeyan	26 0 0
Plunkett, Elizabeth	Temporary postal assistant, Albion Park	20 0 0
Russell, Gustave	Telegraph messenger, Marrickville	26 0 0

* And forage allowance.

Name.	Position to which appointed	Salary per annum.
Jersey, Frederick A. de	Switchboard attendant, General Post Office	£ 26 0 0
Feehan, John	Telegraph probationer, Drake	6 10 0
Pearse, George A.	Temporary letter-carrier, Rockdale	*39 0 0
Hayes, John	Telegraph messenger, Drummovne	26 0 0
Brown, Albert Edward	" " Mittagong	26 0 0
Burns, John James	Temporary receiver-cleaver, St. Leonards	*39 0 0
M'Gunnness, Catherine E.	Temporary postal assistant, Gulargambone	15 0 0
M'Laren, John	Telegraph messenger, Blackheath	26 0 0
Schuback, Dennis T.	" " Candelo	26 0 0
Jeffrey, C.	Telegraph operator, Military Road	26 0 0
Dunne, Mrs.	Temporary postal assistant, Burrawang	30 0 0
Moss, Frank	Switchboard attendant, General Post Office	26 0 0
Emmett, Edward J.	Telegraph messenger, Forbes	26 0 0
Sampson, John Stephen	" " Newcastle	26 0 0
Melville, Robert D.	" " "	26 0 0
Messurier, John F. Le	Assistant in the Mechanical Branch of the Electric Telegraph Department.	26 0 0
Hendon, Robert	Telegraph messenger, General Post Office	26 0 0
Gosbell, Henry J.	" " "	26 0 0
O'Connell, Timothy	" " "	26 0 0
Schweers, John	" " "	26 0 0
Harvey, Ernest	" " "	26 0 0
Buckham, George	" " "	26 0 0
D'Aran, R. P.	Temporary clerk, "	50 0 0
Clark, James H.	Temporary letter-carrier, Rockdale	*26 0 0
Baldock, Alfred E.	Temporary receiver-cleaver, Petersham	*39 0 0
Hennessy, Patrick	Temporary newspaper-sorter, General Post Office	52 0 0
Hayes, Michael Francis	Telegraph messenger, Cobar	26 0 0
Taaffe, William	" " Yetman	26 0 0
Sarderson, John	" " General Post Office	26 0 0
Lowry, Alexander	" " Goulburn	26 0 0
Metcalf, Edith	Temporary postal assistant, Oberon	25 0 0
Matthews, William John	Switch-board attendant, General Post Office	26 0 0
Hatfield, Henry	Telephone operator, Angledool	26 0 0
Looney, Michael J.	Window-cleaner, General Post Office	63 0 0
Webb, Arthur C. F.	Temporary assistant in the Experimental Branch, Telegraph Department.	182 0 0
Howe, William	Telegraph probationer, General Post Office	6 10 0
Ryan, John	Telegraph messenger, Morpeth	26 0 0
Croke, James Andrew	" " Deepwater	26 0 0
Winters, Henry	" " General Post Office	26 0 0
Hubbard, Geo.	" " "	26 0 0
Toby, Arthur	" " "	26 0 0
Miles, David	" " "	26 0 0
Davis, Phillip Henry	" " "	26 0 0
Shorter, Ernest Wm.	" " "	26 0 0
Millington, Walter	" " "	26 0 0
Huntly, Henry	" " "	26 0 0
Ryan, Ambrose H.	" " "	26 0 0
Proctor, Patrick	Letter-carrier, "	78 0 0
Cosgrove, Thomas J.	Temporary clerk, Telegraph Department	52 0 0
Clark, Frank	Telegraph messenger, La Perouse	26 0 0
Champion, Herbert F. A.	" " Parramatta	26 0 0
Wheeler, Harold O.	Telegraph probationer, Drake	6 10 0
Smith, Amos John	Telegraph messenger, General Post Office	26 0 0
Baker, Arthur	" " "	26 0 0
Corbett, John Joseph	" " "	26 0 0
Miller, Robert	" " "	26 0 0
Raines, Wilham	" " "	26 0 0
Tenohy, Edmund	" " "	26 0 0
Marr, James Hyde	" " William-street	26 0 0
Judkins, Charles S.	" " "	26 0 0
Maztelli, Francis	" " Newtown	26 0 0
Mason, Edmund	" " Oxford-street	26 0 0
Murphy, Wilham J.	Temporary letter-carrier, Burrows	*39 0 0
Ford, John	Telegraph messenger, Murrumburrah	26 0 0
Warner, John Cox	" " Forbes	26 0 0
Stormon, Matthew	" " Bega	26 0 0
Kay, Chas. A.	" " General Post Office	26 0 0
Haynes, William	" " "	26 0 0
Drover, W. G.	Linc-repairer, Dubbo	*150 0 0†
Blatchford, Arthur	Temporary receiver-cleaver, Goulburn	*39 0 0
Matheson, Donald	Telegraph messenger, Copmanhurst	26 0 0
Moon, Alexander	Telegraph probationer, East Matland	6 10 0
Charker, Walter	Telegraph messenger, Bowral	26 0 0
Hayward, George, junr.	Temporary postal assistant and Telegraph messenger, Byrock	46 0 0
Morley, A. T.	" " Piper's Flat	10 0 0
Kennedy, Robert	" " George's Plains	10 0 0
Goodsell, James	Construction overseer, Electric Telegraph Department	*0 16 0 per diem.
Crossley, J. T.	Telegraph messenger, General Post Office	26 0 0
Lardner, Chas.	Temporary letter-carrier, Randwick	39 0 0
Fuller, George	Telephone operator, Wagonga	26 0 0
O'Hara, C.	Temporary postal assistant, Tighe's Hill	26 0 0
Cooper, L. A.	Temporary clerk, Electric Telegraph Department	104 0 0
Walsh, W.	Temporary postal assistant, Albury	50 0 0
Hennessy, Miss Lucy M.	" " Waverley	52 0 0
Bagnall, Alfred E.	Temporary receiver-cleaver, Manly, and to assist Telegraph messengers.	26 0 0

* And foyage allowance

† Previously employed temporarily

Name.	Position to which appointed.	Salary per annum.
Phillips, Walter G.	Telegraph messenger, General Post Office	£ 26 0 0
Williams, Robert	" "	26 0 0
Lewis, Charles J.	" Major's Creek	13 0 0
Allen, John Robert	Telegraph probationer, Tamworth	6 10 0
Agnew, Edward C.	Telegraph messenger, General Post Office	26 0 0
Black, Charles	" "	26 0 0
Lyons, M. J.	" Balmain	26 0 0
Joseph, Charles E.	" Casino	26 0 0
Adams, W. Charles	Temporary letter-carrier, North Ryde	30 0 0
Parker, Robert	Telegraph messenger, General Post Office	26 0 0
Sinclair, J. L. H.	" Condobolin	26 0 0
Ware, J. A.	Temporary receiver-clearer, Leichhardt	39 0 0
Buckley, William	Telegraph messenger, Kurrajong	26 0 0
Holmes, Sydney	" General Post Office	26 0 0
Scott, Sidney	" "	26 0 0
Heywood, Daniel	" "	26 0 0
Parkinson, William	" and temporary letter-carrier, Wollongong	46 0 0
Higgs, Charles F.	" Carcoar	26 0 0
Forster, John	" General Post Office	26 0 0
Flynn, Thomas	" "	26 0 0
Bale, Oliver	" "	26 0 0
Troy, Patrick	" Wardell	26 0 0
Andrews, W.	Temporary letter-carrier, Homebush	26 0 0
Seton, Augusta M.	Temporary postal assistant, Urana	30 0 0
Moore, William J.	Telegraph messenger, Gundagai	26 0 0
Naylor, Alexander Tress	" Nyngan	26 0 0
Sainsbury, James	" and temporary letter-carrier, St. Mary's	52 0 0
Magner, Sidney T.	Temporary postal assistant, Stroud	26 0 0
Murphy, George	Temporary receiver-clearer, St. Leonards	*39 0 0
Rogers, James	Telegraph messenger, Broken Hill	52 0 0
Orriel, George	" St. Leonards	26 0 0
Wright, Walter J.	Switch-board attendant, General Post Office	26 0 0
M'Donough, Frederick	Temporary assistant, Wagga Wagga	52 0 0
White, G. N. T.	Temporary sorter, General Post Office	52 0 0
Wallace, Thomas	Telegraph messenger, General Post Office	26 0 0
Causley, Walter	" Kiandra	26 0 0
Byrnes, Thomas	Temporary assistant, Macksville	26 0 0
Shepherd, Malcolm L.	Temporary clerk, General Post Office	52 0 0
Matheson, W. R.	Telegraph messenger, General Post Office	26 0 0
Ryan, Thomas	" "	26 0 0
Hughes, Henry	" "	26 0 0
Dennis, Richard	" Merimbula	26 0 0
Bell, Mrs. E. M.	Temporary postal assistant, Tuena	15 0 0
Blackwell, Mrs. Janet M.	" Pilliga	26 0 0
Campbell, James	Telegraph messenger, Grenfell	26 0 0
M'Pherson, William J.	" Mogil Mogil	26 0 0
Gray, J.	" Newcastle	26 0 0
M'Kenzie, Donald	" Balmain	26 0 0
Harris, W.	" Stuart Town	26 0 0
Harder, Franz	Temporary telegraph messenger, Bourke	26 0 0
Vernon, Lewis H.	Telegraph messenger, Tumut	26 0 0
Davis, Florence Ethel	Temporary postal assistant, Waverley	52 0 0
M'Grath, Gregory	Temporary assistant, Croydon	50 0 0
Purkiss, William A.	Temporary letter-carrier, Hillgrove	*39 0 0
Glasby, E. J.	" " Lismore	*52 0 0
Lambert, Henry	" " Kogarah	*39 0 0
Simpson, F. E.	Telegraph messenger, Warren	26 0 0
Cochrane, Robert T.	" Forbes	26 0 0
Cormie, A. J.	" Pilliga	26 0 0
Power, Maurice B.	" Bondi	26 0 0
Williams, D. J.	" Broken Hill	52 0 0
Gorman, Patrick	Temporary extra porter, General Post Office	104 0 0
Webb, Harry	Temporary operator, General Post Office	100 0 0
Fennelly, Joseph T.	Window-cleaner, "	78 0 0
Simpson, T. T.	Telegraph messenger, Kogarah	26 0 0
Snedden, Robert	Temporary letter-carrier, Bowral	52 0 0
Jones, William	Temporary receiver-clearer, Mudgee	52 0 0
Butler, George	" " St. Leonards	*39 0 0
Shipway, Robert	" " Redfern	*39 0 0
Wegener, Albert E.	Telegraph messenger, General Post Office	26 0 0
Street, Herbert E.	" Brunswick	26 0 0
Coulter, C. W. H.	" Dubbo	26 0 0
O'Brien, James J.	Bag-turner, General Post Office	78 0 0
Martin, G.	Supervise Telegraph messengers at suburban offices	0 7 0 per diem.
Mahler, Wilhelm	Instrument fitter, Electric Telegraph Department	220 0 0
Mulligan, P.	Mail-boy, General Post Office	26 0 0
Woolley, C. F.	Telegraph messenger, Blayney	26 0 0
Abreu, E.	Bag-turner, General Post Office	52 0 0
Walsh, Robert	Window-cleaner	78 0 0
Ball, David John	Telegraph probationer, Moruya	6 10 0
Williams, Henry B.	Temporary receiver-clearer, Waverley	*39 0 0
Kimber, Richard	Telegraph messenger, General Post Office	26 0 0
Rook, Albert E.	" "	26 0 0
Finney, William E.	Temporary newspaper sorter, General Post Office	0 6 0 per diem.
Woodhouse, W. D.	Mail-boy, Newcastle	*26 0 0
Odgers, James	Telegraph messenger, Nundle	26 0 0
Connelly, Bernard	Telegraph probationer, Greta	6 10 0

* And forage allowance.

Name.	Position to which appointed.	Salary per annum.
Childs, A. N.	Temporary receiver-cleaver and Telegraph messenger, Liverpool	£ s. d. *42 0 0
M'Killop, F.	Temporary letter-carrier, June Junction	*52 0 0
Boyle, C.	Line repairer, Bathurst	*150 0 0†
Pritchard, G. E.	Temporary letter-carrier, General Post Office	78 0 0
Warne, H. T.	Mail-boy	26 0 0
Wall, William	"	26 0 0
Stone, A. F.	Temporary postal assistant and Telegraph messenger, Copeland North.	36 0 0
Hickey, Thomas	Mail boy, Leichhardt	26 0 0
Dodd, Nellie	Telephone operator, Cudgen Wharf	26 0 0
Harper, H. J.	Telegraph Messenger, General Post Office	26 0 0
Kemple, S.	"	26 0 0
Cotter, W.	"	26 0 0
Robins, Herbert J.	" Wyrallah	26 0 0
Madigan, Timothy J.	Telegraph probationer, Albury	6 10 0
Wright, F. H.	Telegraph messenger,	26 0 0
Gleeson, E. J.	"	26 0 0
Creer, Joseph	Telegraph messenger, General Post Office	26 0 0
Munro, James Ross	Telegraph probationer, Liverpool	6 10 0
Witts, W.	Telegraph messenger, Adelong	26 0 0
Mitchell, Francis J.	Junior operator, West Maitland	52 0 0
Fox, W.	Telegraph messenger, Emmaville	26 0 0
Steel, George	" Charlestown	26 0 0
Cumming, Robert	" Tamworth	26 0 0
Oliver, Hedley	" Silverton	26 0 0
Humphreys, G.	Temporary letter-carrier, Mnni	*52 0 0
Stirrat, James	" Concord	*39 0 0
Myers, John	and receiver cleaver, Mudgee	*75 0 0
Fox, P. J.	Temporary postal assistant, William-street	26 0 0
Byrnes, P.	Temporary letter-carrier and receiver-cleaver, Hunter's Hill	*65 0 0
Blacklock, Harry S.	Telegraph messenger, Howlong	26 0 0
Whalan, Thomas	" General Post Office	26 0 0
Croucher, W. L., jun.	Temporary letter-carrier and Telegraph messenger, Springwood	*65 0 0
Whysall, D. C.	" Broken Hill	78 0 0
Muston, John	" and Telegraph messenger, Merrylands	*39 0 0
Gowen, William	Constable, General Post Office	0 8 0 per diem.
Furey, Michael	Mail-boy,	26 0 0
Fleming, Chas J.	"	26 0 0
Gillespie, James	"	26 0 0
Boshell, F.	"	26 0 0
Purdey, W.	" Balmain	*26 0 0
Morris, J. A. M.	Telegraph probationer, Gilgandra	6 10 0
Jackson, O.	" Rylstone	6 10 0
O'Brien, Mrs. K.	Post and Telegraph mistress, Gerringong	100 0 0
M'Naught, Charles J.	Telephone operator, Wagonga	26 0 0
Charker, W. R.	Telegraph messenger, Bowral	26 0 0
Self, Herbert	" Warren	26 0 0
Berry, Sidney	" Randwick	26 0 0
Briot, Maurice	" General Post Office	26 0 0
Wail, Henry J.	Mail-boy, General Post Office	26 0 0
Du Bedat, W. J.	Temporary letter-sorter, General Post Office, on probation for a month.	0 6 0 per diem.
Dunn, A. E.	Telegraph messenger, General Post Office	26 0 0
Savage, Arthur	"	26 0 0
Donnellan, Francis	"	26 0 0
Richardson, E. C.	Telegraph probationer, Raymond Terrace	6 10 0
Arnold, P. J.	Telegraph messenger, Mudgee	26 0 0
O'Brien, Geo. Champley	" Lochinvar	26 0 0
Graham, John W.	" Murwillumbah	26 0 0
Ryan, John	Temporary relieving letter-carrier, Newtown	*39 0 0
Cross, Edward	"	*39 0 0
Gillespie, John	" Redfern	*39 0 0
Stapleton, R.	Temporary receiver-cleaver, Balmain	*39 0 0
Gooch, Albert	" Randwick	26 0 0
Hore, Phillip H.	Temporary postal assistant and Telegraph messenger, Stockton	39 0 0
Sweeny, W. A.	Telegraph messenger, General Post Office	26 0 0
Henderson, —	"	26 0 0
Kirk, Jas.	"	26 0 0
M'Whirter, G.	Temporary operator,	100 0 0
Robertson, A. J.	Telegraph messenger, St. Leonards	26 0 0
Mullen, John	" Nymagee	26 0 0
Bathey, A. C.	" Yass	26 0 0
Edwards, A. A.	Temporary letter-carrier and telegraph probationer, Port Macquarie.	32 10 0
O'Brien, C. J.	Temporary relieving letter-carrier, Burwood	*39 0 0
Dunley, R.	" letter-carrier, Macdonaldtown	39 0 0
Merrion, H.	Telegraph messenger, Newcastle	26 0 0
Keegan, Thomas	Mail-boy, General Post Office	26 0 0 }
Blunt, J. E.	Temporary letter-carrier, Strathfield	*39 0 0
Etherden, F. A.	Temporary receiver-cleaver, Marrickville	*26 0 0
Coulton, A.	Telegraph messenger, Manilla	26 0 0
Chaucer, W. G.	Temporary relieving letter-carrier, Petersham	*39 0 0
Freeman, H.	"	*39 0 0
Milson, Alonzo	" Parramatta	*39 0 0
Murray, William	" Waverley and Randwick	*39 0 0
Willis, Thomas	" St. Leonards	*39 0 0

* And forage allowance

Previously employed temporarily.

Name.	Position to which appointed.	Salary per annum.
Bray, A. E.	Temporary relieving letter-carrier, St. Leonards.....	£ s. d. *39 0 0
Beckman, Alfred	Telegraph messenger, North Botany.....	26 0 0
Corbett, T. J.	Switch-board attendant and Telegraph probationer, Wagga Wagga.	26 0 0
Cantrell, H. V.	Telegraph probationer, Boggabri	6 10 0
Beehag, W.	Temporary receiver-clearer, Kogarah	*26 0 0
Cummings, James	Assistant engineer, hydraulic lifts, General Post Office.....	0 9 0 per diem.
Cummings, J.	Assistant, electric light, Electric Telegraph Department	0 18 0 „ week.
Wade, W.	„ „ „	104 0 0

* And forage allowance.

General Post Office,
Sydney, 24th July, 1890.S. H. LAMBTON,
Secretary.

Sydney : Charles Potter, Government Printer.—1890.

[6d.]

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

MRS. CUNYNGHAME, LATE SUPERINTENDENT OF
MACQUARIE-STREET ASYLUM FOR INFIRM AND
DESTITUTE, PARRAMATTA ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
23 *September*, 1890.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1890.

1890.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 2. WEDNESDAY, 30 APRIL, 1890.

30. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA :—Mr. Howe moved, pursuant to Notice,—
- (1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute, Parramatta; and that such Committee be authorized to make visits of inspection to, and to hold inquiries at, the said Asylum; and that, for the purpose of making such visits of inspection, the Committee have leave to sit during any adjournment of this House.
- (2.) That such Committee consist of Mr. Cass, Mr. Frank Farnell, Mr. Edmunds, Mr. Hawthorne,* Mr. Kidd, Mr. Nobbs, Mr. Ritchie, Mr. Crick, Mr. O'Sullivan, and the Mover.
- (3.) That the Progress Report from, and Minutes of Proceedings of, and Evidence taken before, together with all papers referred to, the Select Committee of Session 1889, be referred to such Committee.
- Question put and passed.

* Resigned, 26th June, 1890; added to Committee, 17th July, 1890.

VOTES No. 6. THURSDAY, 8 MAY, 1890.

5. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF THE MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA :—
- (1.) Sir Henry Parkes presented a Petition from Sydney Maxted, Director of Government Asylums and Boarding-out Officer, of Sydney, referring to the appointment of the Select Committee on this subject; and praying that Petitioner may, in his official capacity, be represented by Attorney, with the right to call witnesses and adduce evidence, and to examine and cross-examine such witnesses as may give evidence before the Committee.
- Petition received.
- Sir Henry Parkes (*by consent*) moved, without Notice, That the prayer of the Petitioner be granted, Debate ensued.
- Question put and passed.
- (2.) Mr. Howe presented a Petition from Sarah Cunynghame, of Parramatta, praying that she may be heard by Counsel or Attorney before the select Committee appointed to inquire into and report upon the matter of her removal from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute, Parramatta.
- Petition received.
- Mr. Howe (*by consent*) moved, without Notice, That the prayer of the Petitioner be granted.
- Question put and passed.

VOTES No. 36. THURSDAY, 17 JULY, 1890.

4. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF THE MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA (*Formal Motion*):—*Mr. Slattery*, for Mr. Howe, moved, pursuant to Notice, That Mr. Hawthorne be appointed a member of the Select Committee now inquiring into the case of "Mrs. Cunynghame, late Superintendent of the Macquarie-street Asylum for Infirm and Destitute, Parramatta."
- Question put and passed.

VOTES No. 64. TUESDAY, 23 SEPTEMBER, 1890.

5. MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA :—Mr. Howe, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this subject was referred on 30th April, 1890; together with Appendix.
- Ordered to be printed.

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1890.

MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET
ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on 30th April 1890, "with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute, Parramatta, with power to make visits of inspection to, and hold inquiries at, the said Asylum; and that, for the purpose of making such visits of inspection, the Committee have leave to sit during any adjournment of the House;" and to whom was referred on the same date—"the Progress Report from, and Minutes of Proceedings of, and Evidence taken before, together with all papers referred to, the Select Committee of the Session 1889," and before whom "Sydney Maxted, Director of Government Asylums," and "Sarah Cunynghame, of Parramatta," had leave "to appear by Counsel or Attorney, with the right to call witnesses and adduce evidence, and to examine and cross-examine such witnesses as might give evidence before the Committee,"—have agreed to the following Report:—

Your Committee have examined the witnesses named in the list*, and, after very carefully considering the voluminous evidence in this case, find:—

* See List
page 13.

1. It to be their duty to report that nothing has been advanced which would justify them in recommending any change in the decision already arrived at by the Government in the case of Mrs. Cunynghame.
2. With regard to the charges of dishonesty and general untruthfulness made against Mrs. Cunynghame, your Committee are of opinion that they are not sustained.
3. Your Committee find that many of the irregularities referred to in the evidence were in a large measure due to the imperfect and exceedingly lax system that obtained for many years before Mr. Maxted's appointment, rather than to any perversity of disposition on the part of Mrs. Cunynghame.

And would, therefore, ask your Honorable House and the Government to give due consideration to her long past services, which your Committee are of opinion should merit some recognition.

J. P. HOWE,
Chairman.

No. 3 Committee Room,
Sydney, 17th September, 1890.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 6 MAY, 1890.

MEMBERS PRESENT:—

Mr. Kidd, | Mr. Frank Farnell.

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

THURSDAY, 8 MAY, 1890.

MEMBERS PRESENT:—

Mr. Howe, | Mr. Crick,
Mr. Frank Farnell.

Mr. Howe called to the Chair.

Entry from Votes and Proceedings appointing the Committee, and referring the Progress Report from, together with all papers referred to, the Select Committee of Session 1889, read by the Clerk. Committee deliberated.

[Adjourned till Tuesday next, at a quarter to Two o'clock.]

TUESDAY, 13 MAY, 1890.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Crick, | Mr. Ritchie,
Mr. Frank Farnell.

Entry from Votes and Proceedings, granting leave to Mr. Sydney Maxted, Director of Government Asylums, to be represented by Counsel or Attorney, and granting similar leave to Mrs. Sarah Cunynghame, read by the Clerk.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert; Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).

Constable William Monro called in, sworn, and examined by Mr. Williamson.

Witness withdrew.

Sergeant Robert M'Garvey called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

Constable Emanuel Lewis called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

Constable Samuel Martin Jenner called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Witness withdrew.

Mrs. Sarah Cunynghame sworn and examined.

The Chairman having left the Chair, Mr. Frank Farnell was called to the Chair *pro tem*.

Robert Ledwell Dunn called in, sworn, and examined by Mr. Williamson.

Cross-examined by Mr. Bourke.

Room cleared.

Committee deliberated.

[Adjourned till Wednesday, 21st May, at half-past One o'clock.]

WEDNESDAY, 21 MAY, 1890.

This meeting was postponed, by order of the Chairman, until Tuesday, 27th May, at half-past One o'clock.

TUESDAY, 27 MAY, 1890.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Kidd, | Mr. Ritchie,
Mr. Crick.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert; Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).

Room cleared.

Committee deliberated, and decided that witnesses must confine their evidence to the period during which Mr. Maxted was Director of Government Asylums, prior to Mrs. Cunynghame's dismissal.

Parties called in and informed.

Robert Ledwell Dunn called in and further examined.

Witness

Witness withdrew.
 Charles Warner called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 Thomas Drew called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Room cleared.
 Committee deliberated.

[Adjourned till Thursday next, at *Two o'clock.*]

THURSDAY, 29 MAY, 1890.

MEMBERS PRESENT:—

Mr. Howe in the Chair.
 Mr. Ritchie, | Mr. Kidd,
 Mr. Hawthorne.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert ;
 Mr. T. M. Williamson (*Solicitor for Mr. Macted, Director of Government Asylums*).
 Alfred Hanson called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 Hugh Taylor, Esq., M.P., called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 Alfred Hanson called in and further examined.
 Witness withdrew.
 John Langham called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 Henry Blencowe called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Room cleared.
 Committee deliberated.

[Adjourned till Tuesday next, at a *quarter to Three o'clock.*]

TUESDAY, 3 JUNE, 1890.

MEMBERS PRESENT:—

Mr. Howe in the Chair.
 Mr. Frank Farnell, | Mr. Ritchie,
 Mr. Hawthorne.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert ;
 Mr. T. M. Williamson (*Solicitor for Mr. Macted, Director of Government Asylums*).
 William White called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Room cleared.
 Committee deliberated.

Resolved,—That the Committee at its next meeting proceed to Parramatta.

[Adjourned till Tuesday next, at *half-past Nine o'clock.*]

TUESDAY, 10 JUNE, 1890.

MEMBERS PRESENT:—

Mr. Howe in the Chair.
 Mr. Ritchie, | Mr. Frank Farnell.

The Committee proceeded by train to Parramatta and met in a room at the Macquarie-street Asylum.

Present:—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert ;
 Mr. T. M. Williamson (*Solicitor for Mr. Macted, Director of Government Asylums*).
 Samuel Payne called in, sworn, and examined by Mr. Williamson
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 Richard Hosier called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 Sub-Inspector Robert Latimer called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 Samuel Fox called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 George King called in, sworn, and examined by Mr. Williamson.
 Cross-examined by Mr. Bourke.
 Witness withdrew.
 Mr. Williamson intimated that he had no more witnesses to call.
 George Cunynghame (*Government Dispenser*) called in, sworn, and examined by Mr. Bourke.
 Cross-examined

Cross-examined by Mr. Williamson.
 Mr. Bourke objected to a question asked relative to the Report of the Royal Commission.
 Room cleared.
 Committee deliberated and decided to allow the question.
 Parties called in and informed.
 Cross-examination continued.
 Witness withdrew.
 Francis Dyer called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 John Horan called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Room cleared.
 Committee deliberated.
 Resolved,—That the Committee at its next meeting again proceed to Parramatta.
 [Adjourned to Thursday, 19 June, at *half-past Nine* o'clock.]

THURSDAY, 19 JUNE, 1890.

This meeting was postponed owing to the illness of Mr. Maxted.

THURSDAY, 26 JUNE, 1890.

MEMBER PRESENT :—

Mr. Howe.

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

TUESDAY, 1 JULY, 1890

MEMBERS PRESENT :—

None.

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

TUESDAY, 8 JULY, 1890.

MEMBERS PRESENT :—

Mr. Howe in the Chair.

Mr. Kidd,
 Mr. Ritchie,

Mr. Crick,
 Mr. Frank Farnell.

Present :—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert ;
 Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).
 Mr. Williamson called attention to an article, which appeared in a newspaper, commenting upon the proceedings of the Committee, and Mr. Bourke having disclaimed any knowledge of its authorship, George Henry Phillips, M.D., called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 Joseph William Withers, J.P., called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 Reverend William James Günther, Archdeacon, called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 Reverend Monseigneur John Rigney called in, sworn, and examined by Mr. Bourke.
 Witness withdrew.
 Thomas Ireland called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 Robert Vining Gale called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Room cleared.
 Committee deliberated.

[Adjourned till Tuesday, 15 July, at *half-past Ten* o'clock.]

TUESDAY, 15 JULY, 1890.

MEMBERS PRESENT :—

Mr. Howe in the Chair.

Mr. Ritchie,

Mr. Kidd,

Mr. Frank Farnell.

Present :—Mr. P. B. Bourke (*Counsel for Mrs. Cunynghame*), instructed by Mr. John Herbert ;
 Mr. T. M. Williamson (*Solicitor for Mr. Maxted, Director of Government Asylums*).
 The Chairman read a letter from Dr. Phillips, expressing a desire to be re-examined, in order to make his evidence more clear.

Mr. Williamson again called attention to a newspaper paragraph commenting upon the proceedings of the Committee. The paragraph was read, and considered so incorrect that it could not have emanated from anyone conversant with the proceedings of the Committee.

Walter Brown, M.D., called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.

Witness

Witness withdrew.
 Hugh Taylor, Esq., M.P., called in and further examined.
 Witness withdrew.
 The Rev. Gerard Addington D'Arcy Irvine called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 Mrs. Annie Payten called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 Mrs. Grace Rutter called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 Frederick Augustus Rossiter called in, sworn, and examined by Mr. Bourke.
 The Chairman having left the Chair, Mr. Kidd was called to the Chair *pro tem*.
 Cross-examined by Mr. Williamson.
 Witness withdrew.
 William Richard Sterling called in, sworn, and examined by Mr. Bourke.
 Cross-examined by Mr. Williamson.
 The Acting Chairman intimated that the Committee had decided to take no more evidence, and he directed the counsel on both sides to furnish written addresses to the Committee on or before Thursday, 24th July.

[Adjourned till Tuesday, 5 August at *half-past Ten* o'clock.]

TUESDAY, 5 AUGUST, 1890.

MEMBERS PRESENT:—

Mr. Ritchie,	|	Mr. Frank Farnell,
Mr. Crick.	|	Mr. Hawthorne.

Mr. Ritchie called to the Chair *pro tem*.
 A telegram was read from the Chairman stating his inability to attend.
 The Acting Chairman read a letter from Mrs. Cunynghame stating that several influential persons were anxious to attend and give evidence in her favour, and enclosing letters from Mr. Frederick King, late Manager of Government Asylums, Mr. Sydney Maxted, Director of Government Asylums, Monseigneur Rigney and Archdeacon Günther.
 Committee deliberated, and the Acting Chairman expressed his strong personal objection to the reception of any further evidence of any kind.
 Motion made (*Mr. Crick*) that the enclosures furnished by Mrs. Cunynghame be appended to the Report.

Question put.

Committee divided.

Ayes, 2.	|	No, 1.
Mr. Crick,	|	Mr. Hawthorne.
Mr. Frank Farnell,	|	

And so it was resolved in the affirmative. (*See Appendices A 1 to A 6*).

Ordered,—That the Chairman be requested to prepare a Draft Report for next meeting.

[Adjourned till Tuesday, 19th August, at *half-past Ten* o'clock.]

TUESDAY, 19 AUGUST, 1890.

MEMBERS PRESENT:—

None.

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

THURSDAY, 21 AUGUST, 1890.

MEMBER PRESENT:—

Mr. Ritchie.

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

TUESDAY, 26 AUGUST, 1890.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Edmunds,	|	Mr. Frank Farnell,
Mr. Nobbs,	|	Mr. Richie,
Mr. O'Sullivan,	|	Mr. Hawthorne.

The Chairman stated that Mr. Williamson (*Solicitor for Mr. Maxted*), desired to address the Committee, whereupon Mr. T. M. Williamson (*Solicitor for Mr. Maxted*), appeared, and having addressed the Committee, handed in a written protest against the proceedings of the Committee, with various enclosures, purporting to be statements and declarations in connection with the case.

Room cleared.

Committee deliberated.

Motion made (*Mr. Ritchie*),—That the protest be rejected, and that the enclosures be printed, and appended to Report of the Committee.

Question put and passed.

[Adjourned to Wednesday, 3rd September, at *half-past Ten* o'clock.]

WEDNESDAY,

WEDNESDAY, 3 SEPTEMBER, 1890.

MEMBERS PRESENT:—

Mr. Howe in the Chair.

Mr. Ritchie,	Mr. Crick,
Mr. O'Sullivan,	Mr. Edmunds,
Mr. Frank Farnell,	Mr. Hawthorne,
Mr. Kidd,	Mr. Nobbs.

The Chairman informed the Committee that he had received various letters, comments, and enclosures, from Mrs. Cunynghame and others which he did not propose to lay before the Committee, as he understood the inquiry to be now closed.

The Chairman further stated that he had, since last meeting, examined the documents handed in by Mr. Maxted's solicitor at the last meeting, and which were then ordered to be appended; and found them to be so mutilated and calculated to mislead the Committee, that he had decided to defer any action in the matter.

The Committee deliberated, and having examined the documents, it was resolved (*on motion of Mr. Edmunds*), That the documents handed in at the last meeting by Mr. Maxted's solicitor, and ordered to be appended to the report, be not printed or appended.

Draft report proposed by the Chairman, read 1° as follows:—

DRAFT REPORT.

“THE SELECT COMMITTEE of the Legislative Assembly, appointed on 30th April, 1890,—‘with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute, Parramatta, with power to make visits of inspection to, and hold inquiries at, the said Asylum; and that, for the purpose of making such visits of inspection, the Committee have leave to sit during any adjournment of the House;’ and to whom was referred on the same date—‘the Progress Report from, and Minutes of Proceedings of, and Evidence taken before, together with all papers referred to, the Select Committee of Session 1889,’ and before whom ‘Sydney Maxted, Director of Government Asylums,’ and ‘Sarah Cunynghame, of Parramatta,’ had leave ‘to appear by Counsel or Attorney, with the right to call witnesses and adduce evidence, and to examine and cross-examine such witnesses as might give evidence before the Committee,’—have agreed to the following Report:

“Your Committee have examined the witnesses named in the list, and after very carefully considering the voluminous evidence in this case find:—

“That Mrs. Cunynghame had, prior to her dismissal in December, 1888, been twenty years in the Public Service.

“That, in 1874, Mrs. Cunynghame, then Miss Gibson, and a nurse to the Sydney Hospital, was sent to Parramatta, to take charge of an Erysipelas Hospital which had been improvised in some tumble-down barracks there; and, owing to the great success of her management, the place was afterwards turned into a hospital for infectious diseases; this also appears to have been very satisfactorily managed by her, and afterwards the hospital was gradually transformed into an asylum for destitute old men, which was the condition of affairs at the time of Mr. Maxted's appointment as director of Government Asylums in August, 1888.

“That Mr. Maxted's predecessors, Mr. King and Mr. Rossiter, were well satisfied with Mrs. Cunynghame's management, and, indeed, speak highly of her ability and attention to duty, in which they are supported by nearly all the clergymen of various denominations in Parramatta and visitors of both sexes, who appear to have had very good opportunities of observing how the asylum was conducted.

“That Mr. Maxted shared in these good opinions of Mrs. Cunynghame until some time in September, 1888.

“That on the 14th November, 1888, Mr. Maxted sent to the Principal Under Secretary a report, in which he charged Mrs. Cunynghame with ‘harshness to inmates,’ ‘neglect of duty,’ ‘repeated disobedience of orders,’ and ‘general untruthfulness,’ upon which she was immediately suspended.

“That, on the 4th December, 1888, Mr. Maxted forwarded another report, charging Mrs. Cunynghame with ‘dishonesty.’

“That Mrs. Cunynghame was dismissed on the latter report on the day upon which it was written, without being called upon to reply to it, without being aware of its existence, and without knowing its contents, which she had no opportunity of ascertaining until some months after her dismissal.

“That, under the circumstances, considering the length of her services, the exceptionally valuable nature of those services, and the position she held, Mrs. Cunynghame was entitled to an inquiry; and, therefore, her dismissal was decided upon and carried out with a precipitancy not warranted by the facts of the case, and, as far as your Committee are aware, such precipitancy is quite without precedent.

“That none of the charges made by Mr. Maxted against Mrs. Cunynghame have been sustained by the evidence.

“That the charge of ‘harshness to inmates’ is founded on very trivial matters, and the evidence brought to support it points quite the other way.

“In the cases of Burns, Bannon, Hayselder, Petersen, and others, Mrs. Cunynghame appears to have been in a difficult position, and your Committee cannot find that her action in connection with them was blameworthy. The diaries show that in every case she endeavoured to act for the best, and as those diaries were written long anterior to Mrs. Cunynghame's dismissal, they are all the more reliable. No harshness was manifested in these cases, and, viewing them in the worst light, they could only be construed into trifling errors of judgment. With regard to this charge of harshness, the evidence of Abbott, Hanson, Ghost, and others, called by Mr. Maxted, is that Mrs. Cunynghame was very kind to them, and the weight of evidence is against the charge.

“That the charge of ‘neglect of duty’ is not borne out in any particular, except, perhaps, that Mrs. Cunynghame did not visit the hospital wards at night; now, as two paid wardsmen had been specially appointed, on the doctor's recommendation, to look after the hospital, and as the doctor states distinctly that he does not make any complaint of neglect of the sick, this charge is not a reasonable one; on the other hand, all the witnesses have testified that Mrs. Cunynghame was always somewhere about the asylum engaged in some of her manifold duties, and some of them have said that she was more attentive

attentive than ever after Mr. Maxted's appointment. Mr. Maxted himself visited very frequently, and he does not say that she was absent on any of his visits; the diaries also, including that of the dietary scale, are very fully and punctually kept, and indicate great care and diligence.

"That the charges of 'general untruthfulness' and 'disobedience of orders' depend partly upon each other, and have not been upheld; they are founded principally on the paragraph in the *Herald*, the case of the man Cummings, and the receipt of the stores. The paragraph alluded to contains nothing objectionable, but is laudatory of the Department of Charities in general, and of Mrs. Cunynghame's asylum in particular. In reply to an unwarrantable threat in Mr. Maxted's telegram of the 10th October, Mrs. Cunynghame said that the paragraph in question had 'emanated from the inmates.' The evidence of Hanson, who was called by Mr. Maxted, very conclusively proves this to have been the true statement of the matter. This witness says (Q. 994-5, Session 2) that it was written by 'a man named Crowley, in the dispensary, and myself,' and also that 'it originated between ourselves, more, I think, to show the outside world how we were living than anything else.' With reference to this matter, Mr. Maxted says in his official report to the Colonial Secretary, 'I had proofs in my possession that she herself dictated the paragraph to an asylum clerk, had signed it, and supplied it to a newspaper reporter.' The evidence of Hanson, quoted above, is the alleged proof of the statement thus succinctly and solemnly made. In Cummings' matter, Mrs. Cunynghame simply followed the doctor's orders in keeping Cummings at Parramatta, and as the doctor's authority was produced in the medical book, your Committee are at a loss to know why this case was brought forward. With regard to the receipt of the stores, the most competent witness is Abbott. He was called by Mr. Maxted, and he very distinctly states that, although he received the goods more often than anyone else, they were never passed or used until Mr. or Mrs. Cunynghame had examined and approved of them. This bears out substantially what Mrs. Cunynghame said. The mere fact that she was not actually at the gate on every occasion when stores arrived does not affect the truth of her statement. The varied nature of her duties would account for her absence sometimes, and this could make no difference if the goods were not used until she had passed them. Other instances of disobedience have been alleged, but as they are mostly of a frivolous nature, and it is not clear whether the orders spoken of were ever given or not, it is not necessary for your Committee to consider them.

"That there was nothing in the circumstances to justify the charge of dishonesty, as that charge is not borne out by the evidence.

"The banking of the inmates and fat moneys to Mrs. Cunynghame's private account should not have been allowed, but it appears to have begun in a very small way, and was done by the asylum clerk (Abbott) as a matter of convenience. Your Committee are also satisfied that Mrs. Cunynghame had the manager's authority for pursuing this course, and, therefore, the blame does not rest with her. Abbott testifies that he managed all these matters in connection with the inmates and fat money, and kept all the books in connection with same; also, that Mr. Maxted could have examined those books at any time. Mrs. Cunynghame's explanation of the money matters is fair and natural, and she was perfectly justified in taking the book which contained the only record of her responsibility towards the inmates in a pecuniary sense. There is no doubt that Mrs. Cunynghame endeavoured to rid herself of this responsibility, but that she did not get a fair opportunity. Mr. Maxted should have settled up with her, as he promised, immediately after her dismissal, and your Committee consider her action there was that of a perfectly honest woman. Part of this charge is that men were put on the pay-sheets as occupying positions which they really did not fill. The worst instance of this was the case of Thomas Ghost. The Director says:—(Q. 118, Session) 'There was a man named Thomas Ghost. That man, between 1886 and 1888, was put down on the pay-sheet, and paid by the Government, £19 15s. 5d. He is variously named on the pay-sheet as cook, as having charge of the reading-room, as deputy in No. 4 hospital, as gate-man, and soil-heap man, yet he states that he never held those positions, but was employed in Mrs. Cunynghame's kitchen during the whole of the time.' Mr. Maxted called this witness, who said 'I have been "gate-man," "deputy-wardsman" in the hospital below, and "attendant" in the yard' (Q. 3594). We quote these instances to show how frequently Mr. Maxted's own witnesses contradict him. With regard to the dead inmates' moneys, your Committee are of opinion that Mrs. Cunynghame's explanation is quite reasonable, and, as she left in the despatch-box, which came to Mr. Maxted's hands, an amount covering the sum she held on this account, there is really nothing upon which to found a charge of dishonesty. As Mrs. Cunynghame's books were in Abbott's charge, and were always open to Mr. Maxted, and he did not ask for or examine them, your Committee can only conclude that this charge was an afterthought.

"That Mr. Maxted used his position unfairly to exact a report from Dr. Violette, unfavourable to Mrs. Cunynghame, and also with the Colonial Secretary, in order to prejudice his mind against her.

"That the papers show that Mr. Maxted had prejudged Mrs. Cunynghame's case, and had appointed a new Superintendent at least a week before he was apprised of Mrs. Cunynghame's dismissal.

"That Mrs. Cunynghame has been hastily dismissed from a position that she filled with advantage to the State on charges which have been shown to be without foundation.

"That she has suffered great injustice, and deserves most favourable consideration at the hands of Government."

Draft report proposed by Mr. Edmunds, read 1^o as follows:—

DRAFT REPORT.

"THE SELECT COMMITTEE of the Legislative Assembly, appointed on 30th April, 1890, 'with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute, Parramatta, with power to make visits of inspection to, and hold inquiries at, the said Asylum; and that, for the purpose of making such visits of inspection, the Committee have leave to sit during any adjournment of the House;' and to whom was referred on the same date—'the Progress Report from, and Minutes of Proceedings of, and Evidence taken before, together with all papers referred to, the Select Committee of the Session 1889,' and before whom 'Sydney Maxted, Director of Government Asylums,' and 'Sarah Cunynghame, of Parramatta,' had leave 'to appear by Counsel or Attorney, with the right to call witnesses and adduce evidence, and to examine and cross-examine such witnesses as might give evidence before the Committee,'—have agreed to the following Report:—

"Your Committee have examined the witnesses named in the list, and, after very carefully considering the voluminous evidence in this case, find:—

"1. That in August, 1888, when Mr. Maxted became the Director of the Charitable Institutions of New South Wales, the Asylum in Macquarie-street, Parramatta, of which Mrs. Cunynghame had long been the superintendent, was in a very disorganised condition.

"2. The management for years previously had been exceedingly lax, irregular, and unsystematic.

"3. That immediately after his appointment Mr. Maxted entered upon the necessary reform of the Macquarie-street Asylum in respect of the diet, the medical comforts, the recreation, and generally the humane treatment of the inmates, and directed Mrs. Cunynghame's especial attention, amongst other things, to her duties in the supervision of the wards and the inspection of food supply.

"4. That after a few weeks it became apparent that Mrs. Cunynghame did not co-operate with the Director in effecting such reforms, but, on the contrary disobeyed his orders, neglected her duties, and relapsed into a callous and harsh behaviour towards the inmates.

"5. That Mr. Maxted, upon discovering the repetition of the grave defects of Mrs. Cunynghame's management, reported the subject to the Colonial Secretary by letter of the 14th November, 1888. Thereupon Mrs. Cunynghame was, on 23rd November, 1888, suspended and called upon to show cause why she should not be dismissed from the Service, and accordingly showed cause on 29th November, 1888. To her letter of defence Mr. Maxted replied upon the 4th December, 1888, and at the same time forwarded a further report of irregularities discovered after her suspension. On 4th December the Colonial Secretary, on receipt of Mr. Maxted's reply, advised that Mrs. Cunynghame be dismissed from the Public Service, which recommendation was, after careful consideration of her explanation of the charges made against her, carried into effect by the minute of the Executive Council of 4th December, 1888.

"6. That the several charges made by Mr. Maxted in his letter of 14th November, 1888, have been sustained by the evidence adduced before your Committee.

"7. That the harshness charged was proved by evidence relating to many inmates, the following cases being perhaps the most notable:—

"(a) *Ryall's Case*.—On 3rd February, 1888, James Ryall, an old man, with legs paralysed and useless, was, by Mrs. Cunynghame's order, put outside the gates of the Asylum. Mrs. Cunynghame alleged he was drunk and abusive. He remained lying on the footpath until the police, who had been sent for, arrived. The police found the old man sober and quiet; and asked Mrs. Cunynghame to take him back. She refused. He was carried away by the police, charged with vagrancy and imprisoned in Parramatta Gaol for one month.

This case, prior in date to Mr. Maxted's appointment, is extracted in order to show the prevailing inhumanity at that time.

"(b) *Hazeldine's Case*.—On 2nd November, 1888, Samuel Hazeldine, a very feeble old man, 67 years old, sober, and respectable, went to the Asylum for admission. Mrs. Cunynghame caused him to be put outside on the footpath, alleging that he was drunk and had no written order for admittance. He was found by the police, who, failing to get him admitted into the Asylum, had shelter found for him. Next day the Bench of Magistrates insisted upon his being admitted.

"(c) *Burns' Case*.—John Burns, a blind inmate, was lying on a grass plot (the Director had ordered this plot to be so used). Mrs. Cunynghame prodded him with her umbrella and ordered him off. He answered her angrily, and was by her order taken to the isolation ward, and detained there sixty-nine hours on a charge of obscene language and riotous conduct.

"(d) *Stoddart's Case*.—An old man, with very bad feet, ordered slippers and refused them by Mrs. Cunynghame; walked about the yard with his feet tied up in rags.

"(e) *Rooney's Case*.—An old man, unable to walk, refused by Mrs. Cunynghame an easy chair ordered by the doctor.

"(f) *Peters' Case*.—A cancer patient, asked for spectacles in order to read; spectacles not obtained for him until he complained to the Director.

"8. That the recurrence of such cases of harshness after repeated cautions against such behaviour was in itself alone a conclusive proof that Mrs. Cunynghame could no longer be safely entrusted with the administration of this charitable institution.

"9. That the evidence contains proof of the following additional facts:—

"(a) The Superintendent's visits to the hospital, which should have been made at least twice a day, were at times omitted for two and three days together.

"(b) The medical comforts of the sick were stolen by an attendant, who, after being exposed, was not detained by Mrs. Cunynghame for punishment.

"(c) The same attendant assaulted the helpless sick in their beds.

"(d) Inmates who had previously been witnesses of Mrs. Cunynghame's mismanagement were so frequently and unnecessarily brought before the visiting physician for punishment that he caused their transfer to some other institution.

"(e) Smoking by the inmates was forbidden by Mrs. Cunynghame in opposition to the Director's express instructions.

"(f) The use of the grass plats for recreation was forbidden the inmates notwithstanding express directions given her to permit such use.

"(g) Inmates were kept in Mrs. Cunynghame's constant employ, and were falsely entered on her official pay-sheets, and received payment from the Government as if employed in the service of the institution.

"(h) The refuse food, &c., of the Asylum, though always saleable, was taken by Mrs. Cunynghame without payment and used upon her private farm.

"(i) The surplus fat was sold by Mrs. Cunynghame, and the moneys so raised were placed to Mrs. Cunynghame's private account without the knowledge of any person in authority called as a witness, and remained in her hands until after her dismissal.

"(j) The moneys received by her from inmates, who afterwards died, were retained by her without Mr. Maxted's knowledge until after her dismissal.

"(k) When Mr. Maxted introduced a new dietary scale Mrs. Cunynghame said she was unable to carry it out. Afterwards she signed for publication in a newspaper a paragraph which attributed this reform to her own action.

"(l) The food supplies were received without inspection by Mrs. Cunynghame.

"(m) The medical comforts ordered by the doctor for sick patients were in many cases not given.

"10. That in consequence of the proof of these, amongst many other similar facts, your Committee consider that the dismissal of Mrs. Cunynghame was justified on all the grounds mentioned in Mr. Maxted's complaint.

"11. That a letter of 8th December, 1888, written by Mr. Maxted, appended to the evidence, was produced on behalf of Mrs. Cunynghame to support a suggestion that in urging her dismissal Mr. Maxted was improperly influenced by the desire to provide an office for the lady who became Mrs. Cunynghame's successor.

"12. That such suggestion is utterly unwarranted by fact, and is an unworthy imputation against the character of Mr. Maxted."

Motion made (*Mr. O'Sullivan*) and question proposed,—That the draft report of the Chairman be read 2° paragraph by paragraph.

Amendment proposed (*Mr. Edmunds*), to omit the words "the Chairman," and to insert the words "Mr. Edmunds" instead thereof.

Question,—That the words proposed to be omitted stand part of the question,—put.
Committee divided.

Ayes, 3.		Noes, 5.	
Mr. O'Sullivan,		Mr. Edmunds,	Mr. Nobbs,
Mr. Kidd,		Mr. Ritchie,	Mr. Hawthorne.
Mr. Crick.		Mr. Farnell,	

And so it passed in the negative.

Question,—That the draft report of Mr. Edmunds be read 2° paragraph by paragraph,—put and passed.

Resolved that the draft report of Mr. Edmunds be printed and circulated for the information of the Committee.

[Adjourned to Wednesday next, at *half-past Ten* o'clock.]

WEDNESDAY, 10 SEPTEMBER, 1890.

MEMBERS PRESENT :—

Mr. Howe in the Chair.

Mr. Ritchie,		Mr. Farnell,
Mr. Nobbs,		Mr. Hawthorne,
Mr. Kidd,		Mr. O'Sullivan,
Mr. Edmunds,		Mr. Crick.

Mr. Edmunds' draft report considered.

Paragraph 1 read.

Amendment proposed (*Mr. Farnell*) to omit paragraph 1 and all the remaining paragraphs of Mr. Edmunds' report.

Question,—That the words proposed to be omitted stand part of the question,—put.
Committee divided.

Ayes, 2.		Noes, 5.	
Mr. Edmunds,		Mr. Ritchie,	Mr. O'Sullivan,
Mr. Hawthorne.		Mr. Farnell,	Mr. Kidd.
		Mr. Nobbs,	

And so it passed in the negative.

Mr. Farnell then moved,—“That the following new paragraph be inserted to stand as paragraph 1 of the Report” :—

“1. It to be their duty to report that nothing has been advanced which would justify them in recommending any change in the decision already arrived at by the Government in the case of Mrs. Cunynghame.”

Question put.

Committee divided.

Ayes, 5.		Noes, 3.	
Mr. Farnell,	Mr. Edmunds,	Mr. O'Sullivan,	
Mr. Ritchie,	Mr. Hawthorne.	Mr. Kidd,	
Mr. Nobbs,		Mr. Crick.	

And so it was resolved in the affirmative.

Mr. O'Sullivan moved,—That the following new paragraph stand paragraph 2 of the Report.

“2. With regard to the charges of dishonesty and general untruthfulness made against Mrs. Cunynghame your Committee is of opinion that they are not proven.

Question put.

Committee divided.

Ayes, 4.		Noes, 4.	
Mr. O'Sullivan,	Mr. Kidd,	Mr. Ritchie,	Mr. Edmunds,
Mr. Farnell,	Mr. Crick.	Mr. Nobbs,	Mr. Hawthorne.

The numbers being equal the Chairman gave his casting vote with the ayes, and declared the question to have been resolved in the affirmative.

Committee deliberated.

[A djourned to Wednesday next, at *half-past Ten* o'clock.]

WEDNESDAY,

WEDNESDAY 17 SEPTEMBER, 1890.

MEMBERS PRESENT :—

Mr. Howe in the Chair.

Mr. Ritchie,
Mr. Hawthorne,
Mr. Farnell,
Mr. O'Sullivan,

Mr. Nobbs,
Mr. Kidd,
Mr. Crick.

Draft Report further considered.

Mr. Ritchie moved,—That the following new paragraph stand paragraph 3 of the Report :—

- “3. The inquiry now made also shows that Mr. Maxted, on taking charge of the Government Asylums as Inspector of Charities, had the most serious difficulties to encounter when reorganising the system of management, and was therefore fully justified in the action he took in regard to Mrs. Cunynghame. Your Committee think that many of the irregularities and acts of disobedience, as shown in her personal management, are in a large measure due to the imperfect and exceedingly lax system that obtained for many years before the appointment of Mr. Maxted rather than to any perversity of disposition on the part of Mrs. Cunynghame.

“And would therefore ask your Honorable House and the Government to give due consideration to her long past services, which your Committee are of opinion should merit some recognition.”

Question put.

Committee divided.

Ayes, 2.

Mr. Ritchie,
Mr. Hawthorne.

Noes, 5.

Mr. Farnell, Mr. O'Sullivan,
Mr. Nobbs, Mr. Kidd,
Mr. Crick,

And so it passed in the negative.

Mr. Crick moved,—That the following new paragraph stand paragraph 3 of the Report.

- “3. Your Committee find that many of the irregularities referred to in the evidence were in a large measure due to the imperfect and exceedingly lax system that obtained for many years before Mr. Maxted's appointment, rather than to any perversity of disposition on the part of Mrs. Cunynghame.

“And would, therefore, ask your Honorable House and the Government to give due consideration to her long past services, which your Committee are of opinion should merit some recognition.”

Question put.

Committee divided.

Ayes, 5.

Mr. Crick, Mr. Farnell,
Mr. O'Sullivan, Mr. Kidd,
Mr. Nobbs,

Noes, 2.

Mr. Ritchie,
Mr. Hawthorne.

And so it was resolved in the affirmative.

Amended Report read 2^o as follows :—

REPORT.

“THE SELECT COMMITTEE of the Legislative Assembly, appointed on 30th April, 1890,—‘with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame from the position of Superintendent of the Macquarie-street Asylum for Infirm and Destitute, Parramatta, with power to make visits of inspection to, and hold inquiries at, the said Asylum; and that, for the purpose of making such visits of inspection, the Committee have leave to sit during any adjournment of the House;’ and to whom was referred on the same date—‘the Progress Report from, and Minutes of Proceedings of, and Evidence taken before, together with all papers referred to, the Select Committee of the Session 1889,’ and before whom ‘Sydney Maxted, Director of Government Asylums,’ and ‘Sarah Cunynghame, of Parramatta,’ had leave ‘to appear by Counsel or Attorney, with the right to call witnesses and adduce evidence, and to examine and cross-examine such witnesses as might give evidence before the Committee,’—have agreed to the following Report :—

“Your Committee have examined the witnesses named in the list, and, after very carefully considering the voluminous evidence in this case, find :—

- “1. It to be their duty to report that nothing has been advanced which would justify them in recommending any change in the decision already arrived at by the Government in the case of Mrs. Cunynghame.
- “2. With regard to the charges of dishonesty and general untruthfulness made against Mrs. Cunynghame, your Committee are of opinion that they are not ‘proven.’
- “3. Your Committee find that many of the irregularities referred to in the evidence were in a large measure due to the imperfect and exceedingly lax system that obtained for many years before Mr. Maxted's appointment, rather than to any perversity of disposition on the part of Mrs. Cunynghame.

“And would, therefore, ask your Honorable House and the Government to give due consideration to her long past services, which your Committee are of opinion should merit some recognition.”

And further considered.

Amendment

Amendment proposed (*Mr. O'Sullivan*),—To omit the word "proven" from end of paragraph 2 and insert the word "sustained."

Amendment put and agreed to.

Motion made (*Mr. Crick*),—That the Report, as amended, be the Report of the Committee.

Question put and passed.

Chairman to report to the House.

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1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE CASE OF

MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA.

TUESDAY, 13 MAY, 1890.

Present:—

MR. HOWE,
MR. CRICK,MR. FRANK FARNELL,
MR. RITCHIE.

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as Counsel for Mrs. Cunyngame.
Mr. T. M. Williamson appeared as Solicitor for Mr. Maxted.

William Monro called in, sworn, and examined:—

1. *Mr. Williamson.*] You are a member of the New South Wales Police Force, stationed at Parramatta? Yes.
2. And I believe you were so on the 3rd February, 1888? I was.
3. Do you recollect a man named James Ryall? I do.
4. On the 3rd of February was your attention directed to the man? Yes; my attention was directed to the man by a civilian.
5. In consequence of something you heard did you go down to the Macquarie-street Asylum? Yes.
6. What time of the day was it? As far as I can recollect it was about 6 o'clock in the evening.
7. What did you find? I found Ryall lying on the footpath at the corner of Macquarie-street and Barrack-lane; just at the corner of the asylum walls.
8. What state was he in? He was very weak, and was not able to stand or walk.
9. Was he sober? Yes.
10. Did you go to the asylum and see Mrs. Cunyngame? In the first place I questioned Ryall. I went to the asylum and sent in word, but I did not see Mrs. Cunyngame.
11. Did you see her afterwards? Sergeant McGarvy saw her afterwards.
12. Did you hear the conversation that took place? Yes; I was standing a short distance away.
13. Did Mrs. Cunyngame refuse to take the man in? Yes. McGarvy asked her, and she refused.
14. What was done with the man? We got a cab and took him to the lock-up. We locked him up for protection. The man was in a very weak state, and was not fit to go out on the following day. He was then charged with vagrancy, and sent to the Parramatta Gaol for a month.
15. And was he in the gaol hospital during the whole of that time? Yes, so I was informed.
16. At the expiration of the month what became of him? He was sent to the Liverpool Asylum.
17. Was he in such a weak state that you had to lift him into the cab? Yes, he was. He was very weak, and could not stand without assistance. It took two of us to carry him to the cab.

W. Monro.
13 May, 1890.

- W. Monro.
13 May, 1890.
18. From what you saw of the man, could he possibly have walked out of the institution? No, he could not possibly have walked out of the institution.
 19. He must have been placed where he was? Yes. He could not stand without assistance; his legs were completely paralysed and useless.
 20. He could not have walked out of the asylum? No; I am perfectly satisfied he could not.
 21. Do you recollect whether McGarvy put any questions to Mrs. Cunyngame as to how the man came there? I did not hear all the conversation between McGarvy and Mrs. Cunyngame.
 22. Did Mrs. Cunyngame say anything further than that she would not take him in? I do not think I heard the whole of the conversation. The only part of the conversation I heard was the refusal to take him in.
 23. Do you know anything about any of the other men—Hazeldean, Peterson, or Bannan? Nothing direct.
 24. Do you recollect Bannan being brought to the police station? I was not in the lock-up then.
 25. And all you know is with reference to the man Ryall? Yes.
 26. Do you remember any intimation being sent to the police station that the man was lying there? I am certain that no intimation was sent to Mr. Latimer.
 27. *Mr. Bourke.*] How can you be certain;—do you read Inspector Latimer's letters? Well, considering that I brought the man down to the lock-up, if Inspector Latimer had received any communication regarding him, he would have been sure to mention it.
 28. *Mr. Farnell.*] Did you come across this man in your ordinary patrol? Yes.
 29. Are you sure that Sergeant McGarvy did not have any instructions from Inspector Latimer? He did not have any.
 30. Was it you who informed Sergeant McGarvy? Yes. I was at a loss to know what to do with the man, he was unable to walk.

William Monro recalled and further examined :—

31. *Mr. Williamson.*] How long have you been in the police force at Parramatta? Over three years.
32. Previous to Mrs. Cunyngame's retirement from the Macquarie-street Asylum, how long were you stationed at Parramatta? I should think about eighteen months.
33. Was the Macquarie-street Asylum on your beat? I had no beat; I was in plain clothes going round anywhere.
34. Were you in the habit of going round that way very often? Yes; I frequently visited the asylum.
35. Did you ever refuse to assist Mrs. Cunyngame or in any way show any opposition to her? I never did.
36. *Mr. Ritchie.*] Did she ever ask for your assistance in any way? I believe she did on different occasions.
37. Do you remember an instance? I cannot remember any particular instance.
38. *Mr. Williamson.*] But you believe she has? Yes, I believe she has.
39. And it has always been attended to? Yes.
40. There has been no inclination on your part to oppose her? No.
41. You know of no quarrel between her and the police? No; I know as a matter of fact that when any of the asylums send to the police station the matter is always attended to at once.

Robert McGarvy called in, sworn, and examined :—

- R. McGarvy.
13 May, 1890.
42. *Mr. Williamson.*] You are a sergeant of police stationed at Parramatta? Yes.
 43. How long have you occupied that position? About seven years.
 44. Do you mean seven years prior to Mrs. Cunyngame leaving the asylum or up to the present time? Up to the present time.
 45. Do you recollect on the 2nd of November, 1888, obtaining some information regarding a man named Samuel Hazeldine, aged 67, and very feeble? Yes.
 46. Where did you see this man first of all? I saw him at the lock-up.
 47. About what time? About half-past 6 o'clock in the evening.
 48. Was he then sober? Yes, perfectly sober.
 49. Did Mr. Hugh Taylor come over and see him? I was informed by Constable Lewis that he had been to the asylum and that he had an order for admission to the asylum.
 50. You found out that he had an order? Yes, I was told so. I sent him to Mr. Taylor, who was standing at the corner, so that he might give him an order for admission to the George-street Asylum. I thought the case was not a proper one for the lock-up.
 51. Did Mr. Taylor come over? Yes; and he said he would get the man lodgings for the night.
 52. What became of the man? Mr. Taylor took him and gave him lodgings.
 53. What became of him the next day? I think that he was taken in at the Macquarie-street Asylum on the next day.
 54. *Mr. Crick.*] He was not locked up that night? No.
 55. *Mr. Williamson.*] He was a very feeble man was he not? Yes, he was a feeble man.
 56. And you swear positively that at half-past 6 the man had no appearance of being drunk? Certainly, not even the smell of it; he seemed to be a respectable man.
 57. Do you recollect Thomas Peterson being brought to the station on the 14th June, 1888? Yes.
 58. In what state was he when he was brought to the station? I did not see him when he was brought to the station.
 59. Did you see him afterwards? Yes.
 60. What state was he in then? He was sober.
 61. But was he feeble? Very feeble.
 62. And apparently in a deplorably helpless condition? Yes.
 63. Did you go with Constable Lewis down to the asylum? No, I did not; I was in the Police Court.
 64. You were at the Police Court next morning? Yes.
 65. What was done with the man next morning? Mr. Taylor sent to the asylum to know if he would be admitted, and word came back that he would not be admitted.

66. That was when he was brought before the Court? Yes. Mr. Taylor sent to the asylum again, and then an invalid chair was sent down for the man. R. McGarvy.
67. Was he then admitted? Yes. 13 May, 1890.
68. The Bench had to send a second time? Yes.
69. I believe it was a peremptory order from the Bench? Yes, Mr. Taylor said he must be admitted.
70. Or the Bench would know what proceedings to take? Yes.
71. Do you recollect, on the 3rd February, 1888, accompanying the last witness, *Monro*, to the asylum in regard to a person named *Ryall*? Yes.
72. Were you in charge of the lock-up at that time? No.
73. Not when *Monro* came back? I was in charge of the police at the time.
74. Was *Mr. Latimer* there? No; I think *Mr. Latimer* was away from his office.
75. Did you receive any notification or letter from *Mrs. Cunynghame* to the effect that she had put a man outside the asylum, and that he was on the foot-path? No.
76. *Mr. Crick.*] Would you open any correspondence addressed to *Mr. Latimer*? Yes, if I were in charge, in his absence.
77. *Mr. Williamson.*] You went down with *Monro*? Yes.
78. And what did you find? I found a man sitting on the foot-path in a helpless condition. He was not able to get up. I asked him what was the matter, and he told me he believed there was money left at the post office for him.
79. Did you afterwards tell this to *Mrs. Cunynghame*? No; he told me that was the reason why he wanted to get out. I asked him if I sent the constable to the post office to ascertain whether there was money there for him or not, or whether he would go back to the asylum if admitted and conduct himself, and he said yes, he would.
80. *Mr. Crick.*] Why did you use the words, "and conduct himself"? Because *Mrs. Cunynghame* had previously told me that he was noisy because he could not get out. I sent the constable to the post office, and there was no money there for him; and I then asked him if he would wish to go back, and he said, "Yes." I then went to *Mrs. Cunynghame* and asked her to admit him, and she said no, she would not.
81. What did she say in reference to the matter;—did she say that his only fault was that he was noisy? Yes.
82. The man wanted to get leave in order to go to the post office to find out if there was any money there for him? Yes.
83. What did you do with the man then? We had to lift him into a cab and take him to the lock-up.
84. Was he paralysed in the legs? Quite so; he could not put a foot under him.
85. *Mrs. Cunynghame* made no other complaint than that he was noisy? No.
86. As a matter of fact, was he brought before the Bench next morning? Yes.
87. What was done with him? He was charged with vagrancy, and got a month's imprisonment.
88. Do you know whether he was in the hospital during the whole time he was in the gaol? I was told so.
89. Do you know what became of him after his release? I heard that he went to the *Liverpool Asylum*.
90. Did you ask *Mrs. Cunynghame* more than once to admit him? No, I do not think I did.
91. Did you point out to her that the man was in a helpless condition and unfit for the lock-up? Yes; I told her that it was not a case that should go to the lock-up.
92. You pointed this out to her, and she still refused to admit the man? Yes.
93. *Mrs. Cunynghame*, in her evidence, has made the following statement:—
- "Have you ever had any quarrel with the police? No; I cannot say I had a quarrel exactly, but I thought they ought to give me a certain amount of help which they did not seem inclined to do."
- Is there any truth in the statement that the police were not inclined to give her any help? I am not aware that they ever refused to give her help.
94. You were sergeant, and if any complaint came in in the absence of the Inspector or Sub-inspector it would be reported to you? Yes. They were always attended to.
95. You are not aware of any inclination on the part of the police to refuse to assist *Mrs. Cunynghame*? Certainly not—on the contrary.
96. *Mr. Bourke.*] You say that the whole of the complaint of *Ryall* was that he could not get out to go to the post office? He said so to me.
97. And when you saw him he was not able to walk? He was not.
98. You do not know whether Inspector *Latimer* received a letter from *Mrs. Cunynghame* with regard to this man? I do not.
99. You say that at half-past 6 o'clock you saw this man *Hazeldean* at the lock-up? Yes.
100. I am not speaking of *Ryall*, but of *Hazeldean*? Yes.
101. And he was sober then? Yes.
102. Could you say from what you saw of him at half-past 6 whether the man was sober at half-past 3? I could not.
103. He might have been sober at half-past 3 or 4. I do not think he had been drinking at all; he did not show any signs of it.
104. But you could not say whether or not he was sober at half-past 3? No; I did not see him then.
105. Have you been much in the *Macquarie-street Asylum*? Yes, I have been there frequently.
106. In *Mrs. Cunynghame's* time? Yes.
107. What is your opinion of the management of that institution? I could not say; I had nothing to do with the management.
108. But did the inmates appear to be well looked after? I did not remark about it, as I seldom went further than the office.
109. Were you there often? Not very often.
110. Did you see *Mrs. Cunynghame* there? Yes, I saw her there.
111. Every time you went? Nearly.
112. And you say you did not take any notice of the condition of the inmates? I did not go through the asylum. I generally went there to make some inquiry or something of that sort.
113. Since the present matron has been there has any report been made by you with regard to some boys being intoxicated at the institution? Yes.
114. What was the nature of that report? That there was an entertainment there, and some boys constituted a juvenile band, and some grown up men constituted a *Christy Minstrels* band. 115.

- R. McGarvy. 115. Tell us something about the people who were intoxicated;—who were they? I was informed that there was drink there, and that some of the boys had been served with it.
- 13 May, 1890. 116. *Mr. Williamson.*] You were simply informed of this? Yes.
117. *Mr. Bourke.*] You made a report? I made a report, of which that was the substance.
118. Was there any complaint on the part of the police that Mrs. Cunynghame was in the habit of refusing to admit people into the institution who were brought there by the police? Yes; I think Mr. Latimer made a complaint to Mr. Maxted.
119. Do you know whether he did? I believe he did.
120. Was it a complaint of yours? No.
121. You never complained that they were refused? No.
122. I suppose that every one you have taken there since Mr. Cunynghame's time has been admitted? I have not taken any.
123. *Mr. Criek.*] Have any whom you have taken to the asylum been refused admission? I have never taken any at all.
124. You went down about this man Ryall did you not? Yes.
125. And you saw Mrs. Cunynghame? Yes.
126. Where was Monro at that time? He was standing alongside Ryall.
127. How far would that be from where you and Mrs. Cunynghame were? About 10 or 12 yards.
128. Monro could have heard the conversation then? I do not know that.
129. Do you say he could or could not; you know how you spoke? I think he could.
130. Tell us what you first said to Mrs. Cunynghame? I said, "Will you be good enough to admit this man back again? He says he will conduct himself and be quiet."
131. You knew he had been previously noisy? I was told so.
132. Who told you? I think it was Mrs. Cunynghame.
133. You see that was not the first conversation you had with her. You first asked her, I suppose, who the man was? Yes.
134. Why did she say he had gone out? She said she had got an order—
135. From whom? From Mr. King, I think.
136. Who is Mr. King? He was the manager at that time.
137. And her superior? Yes.
138. She had got an order from Mr. King; for what purpose? To discharge him, I suppose.
139. You asked her if she would readmit him? Yes.
140. Do you know whether she could have readmitted him in the face of an order from her superior for his discharge? I do not know.
141. Did you go with the man to the lock-up? No, I did not.
142. Did Mrs. Cunynghame say anything about getting a report from the doctor on the case? No, not to me.
143. Did she say she would abide by what the doctor said? No; she said nothing about the doctor.
144. Where was the man put that night? In the lock-up.
145. You were in charge of the lock-up? No, I was not.
146. Did you go to see the man again that night? I saw him.
147. At what time? I think it would be about 10 o'clock.
148. He was then in one of the ordinary cells? Yes.
149. What had he to sleep on? He had blankets.
150. Just the same as any other prisoner put in the cell? Yes.
151. Did not that strike you as rather inhuman treatment in the case of a man so bad as you state he was? We gave him all the comforts we had.
152. And he was so bad that he had to be assisted by two men? We had to lift him into the cab.
153. Did he make any complaint to the Bench next morning about his treatment? I do not remember.
154. *Mr. Ritchie.*] You stated a little while ago, I think, that Mrs. Cunynghame said she would not admit Ryall because he was noisy? Yes.
155. Was that in the conversation you had with her at the time you went from Ryall to her? Yes.
156. You first of all went to Ryall and then brought him to the asylum? Yes.
157. Will you relate again the conversation you had with Mrs. Cunynghame? I waited with Ryall while the constable went to the post office and made the inquiry, and then when I was satisfied that there was no money there for him I went to Mrs. Cunynghame.
158. What did you say first of all to Mrs. Cunynghame? I said, "Will you readmit this man? There is no money for him, and he says he will be very quiet and properly conduct himself." She said, "No; I cannot admit him." She said the man was troublesome and noisy, and that she had an order from Mr. King to discharge him.
159. Did she say why she got that order? No, she did not.
160. Was that all she said? Yes, I think so.
161. *Chairman.*] Do you know whether it was during Mr. King's time as Director of Asylums that this took place? I believe it was.
162. Before Mr. Maxted's time? Yes.
163. *Mr. Bourke.*] Did Ryall, of his own notion, wish to go back to the institution, or did you induce him? I did not induce him; only I asked him would he go back, and he said, yes, he would.
164. He did not ask first, you asked him to go back; is that so? Yes.

Emanuel Lewis called in, sworn, and examined:—

- E. Lewis. 165. *Mr. Williamson.*] You are a member of the Police Force stationed at Parramatta? I am.
- 13 May, 1890. 166. How long have you been stationed there? I have been at Parramatta about two years and eight months.
167. How long were you there previous to Mrs. Cunynghame's retirement from the Macquarie-street Asylum? I do not exactly know at what date she retired. I think I had been there about two years.
168. Do you recollect the case of a very feeble man named Samuel Hazledan? Yes, he came to the lock-up on the 2nd of November, 1888, at about 6:30 p.m.
169. You were in charge of the lock-up on that evening? Yes.

E. Lewis.

13 May, 1890.

170. Was the man sober? He was quite sober when I saw him.
171. Did he appear to have been drinking at all? He had no appearance of having been drinking, as far as I could see.
172. Did he come to the lock-up for protection? He met me at the gate of the lock-up and said, "I have come to you to give me a night's lodging." I said, "Oh." He said, "Yes, I came from Sydney in the Western train and went to the Macquarie-street Asylum. I had an order for there, and they took the order from me."
173. In consequence of what he told you, what did you do? I drew Sergeant McGarvy's attention to him.
174. What did you do then? Mr. Hugh Taylor was there. He heard part of what was said. He came up and spoke to the man, and heard what he had to say, and took him away and said he would give him a night's lodging.
175. Mr. Taylor lives almost opposite to the lock-up? Yes.
176. He lives on the eastern side of Church-street and the lock-up is on the western side? Yes.
177. And in all cases of emergency, Mr. Taylor being the nearest magistrate you send for him? We did not send for him as a magistrate; he happened to be standing in the street quite close to the lock-up at the time.
178. Do you recollect the case of a man named Peterson? Yes.
179. What do you know about his case? On the 14th June, 1888, a report was made to me at the lock-up by Hanson, an attendant at the asylum, that Peterson had absconded from the institution. Hanson told me the man was in a very delicate state of health and that the police ought to look after him. I told the constable on duty to look after him. Next day he was found by Constable Jenner in Wentworth-street in a very weak state and almost unable to walk. Jenner picked him up and, as I have been informed, took him to the Macquarie-street Asylum.
180. On the day after he was reported as having absconded from the asylum Jenner found him in Wentworth-street, and Jenner was ordered to go down to the asylum, and left apparently with that intention, and afterwards came back with this man to the lock-up? Yes.
181. What was done with Peterson then? He was locked up.
182. And was he afforded every comfort? He was, so far as was in the power of the police.
183. Did you even supply him with tea and meals? So far as it was in the power of the police we did.
184. You provided him with blankets and so forth? Yes, we made him as comfortable as possible.
185. Was he brought before the Bench next morning? He was.
186. And what was done with him? The Bench directed a constable to go to the Macquarie-street Asylum and ask the Superintendent to admit him. The constable returned and said he had been refused.
187. Who was the constable? Constable Jenner.
188. Constable Jenner came back? Yes.
189. Then another order was made by the Bench? Yes.
190. And the man subsequently left for the asylum? He was discharged from the Court and sent to the asylum in an invalid carriage.
191. *Mr. Farnell.*] Was this before Mr. Maxted took charge of the institution? I could not say.
192. *Chairman.*] You said just now that the Bench sent the constable to the asylum to ask for the admission of this man. Who constituted the Bench at that time? Mr. Hugh Taylor was the Chairman. I do not remember who else was on the Bench.
193. *Mr. Crick.*] You said that Mr. Hugh Taylor when he heard that Hazeldean had been refused admission to the asylum proffered him assistance? Yes.
194. Was he standing close enough to hear what Hazeldean said? Hazeldean related his story to Mr. Taylor the same as he did to me previously.
195. And then it was that Mr. Taylor said he would give him a night's lodging? Yes, he said "He is not in a fit state to be locked up in a police cell."
196. *Mr. Bourke.*] And the man you know was admitted into the asylum the next morning at 6 o'clock? Yes, I know he was admitted next morning.
197. *Mr. Williamson.*] Do you recollect a man named Bannan? Yes.
198. What about Bannan? One night at about 11 o'clock on either the 22nd or the 29th September, he was brought into the lock-up by Constable Miller. He was in a very weak state and was suffering, I believe, from cancer in the mouth.
199. Was he sober? He was quite sober when I saw him.
200. *Mr. Ritchie.*] At what time was it? About 11 o'clock at night.
201. *Chairman.*] You say that Bannan was brought to the lock-up? He was found in the street by the constable and brought to the lock-up. He was in such a weak state that he could not walk about the street.
202. Do you know whether Sergeant McGarvy or Constable Monro saw him at the lock-up at the time? No, neither of them saw him.
203. *Mr. Crick.*] What do you mean by a weak state? He was in feeble health.
204. So weak that he could not walk? He could scarcely walk.
205. Will you swear that he was not drunk? Yes, I am quite positive of it.
206. Had he any drink at all? Not so far as I could tell.
207. *Mr. Williamson.*] And you can tell a drunken man from a sober one? Yes.
208. When he was brought to the lock-up did you search him? Constable Miller searched him.
209. And was there found upon him a ticket of admission to the Macquarie-street Asylum? There was.
210. *Mr. Farnell.*] Did you see the ticket? I did.
211. *Mr. Williamson.*] And did you give instructions that he should be then taken down to the asylum? The Sub-Inspector gave instructions that he should be taken down.
212. During the time that you have been there you have officiated as lock-up-keeper have you not? Yes.
213. I suppose sometimes you are on duty during the day and sometimes during the night? Yes, every alternate month.
214. Have you at any time ever refused or ever been disinclined to assist Mrs. Cunynghame? Not in the slightest.
215. *Mr. Farnell.*] But if you were in charge of the lock-up you would not come in contact with Mrs. Cunynghame? No, I did not come into contact with her.
216. *Mr. Crick.*] Were you ever asked to assist her? No.

- E. Lewis. 13 May, 1890. 217. *Mr. Williamson.*] As a matter of fact every person knows that if there is no policeman to be found on the beat, there is always a communication sent up to the person in charge of the lock-up, who gives instructions to some police officer to go down? That is quite right.
218. *Mr. Crick.*] You say you were never asked? Yes.
219. *Mr. Williamson.*] Did you ever receive any communication or was any communication ever handed to you by Sergeant McGarvy in reference to any particular person who had left the asylum? There have been several communications received with regard to men absconding from the institution.
220. *Mr. Crick.*] Where are they—have you got them? I have not got them.
221. *Mr. Bourke.*] You saw this man Peterson of course? Yes. I saw him.
222. Was he a perfectly sane man? No, he did not seem to be sane.
223. Do you know of your own knowledge that shortly after the time you speak of he was sent away to the lunatic asylum? I had no opportunity of knowing if he was sent from the Macquarie-street Asylum.
224. You say you do not think he was a sane man? Well, I don't think he was quite right. A report was made from the Macquarie-street Asylum that he was not fit to be at large.

Samuel Martin Jenner called in, sworn, and examined:—

- S. M. Jenner. 13 May, 1890. 225. *Mr. Williamson.*] You are a member of the police force, stationed at Parramatta? I was formerly stationed there, but at present I am stationed at Campbelltown.
226. How long were you stationed at Parramatta? Nearly two years. I went to Parramatta on the 11th October, 1886, and remained, I think, until August, 1888.
227. *Mr. Farnell.*] How long have you been in the police force? About three and a half years.
228. *Mr. Williamson.*] You were at Parramatta until Mrs. Cunyngame retired from the asylum, or somewhere about that time? Yes; I think so. I was not there when Mrs. Cunyngame retired.
229. Do you recollect the case of Peterson? Yes; I arrested a man once by the name of Peterson.
230. Where did you find him? In Wentworth-street.
231. What state was he in? He was helpless, could not give any account of himself, and had to be assisted wherever I took him to. I found him with his boots off, and I afterwards found his boots. He was then in the Macquarie-street Asylum uniform.
232. Was he sober? Certainly, I should think so. The man appeared very ill.
233. Was he brought before the Bench the next morning? Yes, at 10 o'clock.
234. Do you know who was on the Bench? Mr. Hugh Taylor.
235. Anybody else? There might have been; I do not remember. I know Mr. Taylor was there. I made a report on this case at the time, or shortly afterwards. If I saw the report it would refresh my memory.
236. Do you recollect being sent by the magistrates down to the asylum? Yes. At the request of Mr. Taylor, Chairman of the Bench, and Mr. Latimer, Inspector of Police, I went to the Macquarie-street Asylum and saw the matron, Mrs. Cunyngame, and she then refused to take the man back.
237. What did you say to her? I asked her if she would take the man Peterson back at the request of the Bench, and I believe she said something about who was master of the institution, she, or the police, or the magistrate? I made a report something to that effect. I asked Mrs. Cunyngame to send a man with me to explain the case, and I believe that a senior warder or someone engaged in the asylum came round to the Court.
238. When you reported the matter to the Bench were you sent back again? I could not be certain about that.
239. Did you go back the second time? I believe I went there twice.
240. Do you recollect going back a second time? I could not be certain about that.
241. Do you recollect telling Mrs. Cunyngame on the second occasion that if she did not admit Peterson the matter would be reported to the Colonial Secretary? No, I do not remember that.
242. Was he subsequently admitted? He was. Afterwards the man who came with him went back and got a wheeled chair and took him away. The police carried him out and put him in the chair. He was unable to walk into the Court or out of it.
243. *Mr. Bourke.*] You saw this man Peterson? Yes; I took him back to the asylum.
244. Had there been some report made to the police about the man? I believe there had.
245. And do you know that the man was at large all night the night before you arrested him—that he absconded from the institution? I believe he had been at large all night.
246. Was he a sane man? The man could not give any account of himself at all. I am unable to say what was the matter with him.
247. Do you think he was out of his mind? He was seriously ill there was no doubt about that.
248. Do you think he was out of his mind? That I could not say.
249. Do you think he was a perfectly sane man? In his condition I could not say what the man was.
250. *Mr. Crick.*] You said that when you arrested him he could not give any account of himself? All I knew him by was that he had a uniform.
251. What illness was he suffering from? I could not say.
252. Do you mean to tell me he could not speak? He made a rambling statement, a mixed up affair.
253. Just like a drunken man would give? The man was certainly not drunk.
254. How do you account for the rambling statement;—was he out of his mind? He appeared to be seriously ill.
255. Was he seriously ill in mind? Yes, that is what he was; his mind was affected, there was no doubt about that. He was not drunk, because we carried him into the Court. He was taken to the lock-up and carried into the Court next morning. He was worse next day.
256. *Mr. Ritchie.*] Whereabouts did you arrest him? In Wentworth-street, rather more than half a mile from the Macquarie-street Asylum.
257. Could he not speak distinctly so that you could understand him? No, he did not.
258. Did you see Mrs. Cunyngame in reference to Peterson? I took him to the asylum gate, and I met Mrs. Cunyngame coming out.
259. And what did Mrs. Cunyngame say to you then? She said that he had rushed the gates and that she would not take him back, that he was a disorderly man, and she wanted me to take him inside and get his own clothing and leave the uniform clothing there, which I refused to do. I told her that he was in my charge, and if she refused to take him back I should have to take him to the lock-up.

260. *Mr. Crick.*] He was about half a mile away from the asylum when you arrested him? It might be *S. M. Jenner* more—it was not less.
261. You say he was helpless;—can you tell us how he got half a mile away from the asylum? No, I could not say that. I could not tell that. I suppose being out all night might have affected him. *13 May, 1890.*
262. *Mr. Farnell.*] You say you found him with his boots off? Yes.
263. Did he give any reason why he had taken them off? No.
264. Where did you find his boots? About 100 yards away from him. He was at the time talking to some females.
265. *Mr. Crick.*] He was talking to some females? He was standing there. They were sympathising with him, and had given him some bread or something of that sort.
266. *Mr. Williamson.*] Did you at any time ever refuse to assist Mrs. Cunynghame? Never.
267. *Mr. Crick.*] Did she ever ask you? I went there on one occasion in company with another constable and took away a lunatic in a cab.
268. *Mr. Bourke.*] What was his name? I cannot remember.
269. What time was it when you arrested Peterson—was it in the morning, in the afternoon, or at night? I think it was in the morning, some time between 10 o'clock and 2 o'clock.

Sarah Cunynghame called in, sworn, and examined:—

270. *Mr. Bourke.*] Are there any entries in the asylum diary with regard to the man Peterson? Yes; on the 14th June, 1888, at page 156, there is the following entry,— *Mrs. S. Cunynghame. 13 May, 1890.*
- “Thomas Peterson, who came in on the 8th instant, applied to the doctor to leave the institution, but as he is suffering from ‘softening of the brain,’ the request was refused. He then applied to the Superintendent, who ordered a man to look after him until the next visit of the acting manager.”
- * * * * * Referring again to Thomas Peterson, the doctor wrote against his name, “Refused permission unless taken by friends.” Again, on the 16th June, at page 157, there is the following entry:—
- “A policeman came from Court to say that Thomas Peterson, who absconded on Thursday, was arrested yesterday, and was at that time before the magistrate, to know if the Superintendent would again take him in. This was at first refused, and the head wardsman was sent to explain to the Bench under what circumstances he left. The wardsman returned, and on the magistrate saying that if not readmitted he would be sent to the George-street Asylum, the Superintendent sanctioned his readmission, subject to the acting manager’s approval, the head wardsman taking up the invalid carriage to bring him in. On his arrival the Superintendent ordered him to No. 2 hospital.”
- On the 18th June, at page 159, there is also this entry:—
- “The memo. addressed to the acting manager respecting the absconding of Thomas Peterson (*see Letter-book, page 68*) was returned this morning with the following remark,—Should a similar case again occur, viz., a man demanding his discharge from the institution when the doctor considers him unfit to take care of himself, he should be detained until information is given to the police, that he may be apprehended in his own interest immediately he leaves the institution.—Signed, F.A.R.”
271. The course pointed out in that letter is the one you took with regard to the man Ryall? Yes, I had always done so.
272. *Mr. Ritchie.*] Who made these entries in the diary? Abbott the clerk at my dictation; the initials “F.A.R.” are those of Mr. Rossiter, acting manager.
273. *Mr. Bourke.*] Are there any entries in the diary with regard to the man Ryall? Yes, on the 3rd February, 1887, at page 80, there is the following entry:—
- *“James Ryall, a very paralysed patient in No. 2 Hospital, took advantage of the Inspector’s visit to urge upon the Superintendent to grant his discharge, which at his, the Inspector’s suggestion, she did, and sent a note to Inspector Latimer of the police, informing him, as he is quite unable, even with the aid of crutches, of which he has a pair, to walk * * * * * The following is a copy of the letter addressed to Inspector Latimer,—Dear Sir, I hereby give you notice that James Ryall, who has been for a long time urging to leave the institution, and respecting whom you were kind enough to send a policeman to quiet, has to-day obtained the sanction of the Inspector of Public Charities to go. As he is unable to look after himself, I consider it right to inform you.—Signed, S.C., Superintendent.” This note was sent at 3 p.m., and he managed to reach the corner of Barrack-lane where he sat down and remained until between 6 and 7, when a message was sent to the Inspector of Police, and subsequently the police came. Sergeant McGarvy had an interview with the Superintendent, and demurred to taking charge of him, wanting him to be readmitted; but, to this, Ryall himself objected, and the Superintendent promised the sergeant that she would send word to Dr. Violette, and be governed by his decision. The head wardsman was sent, and the doctor sent word that on account of the trouble he had given he should not be readmitted, and a note was sent to the Inspector to that effect. When Ryall was in the hall, prior to Mr. Robison leaving, he asked him if he considered he had not made a mistake and if he considered himself safe, to the former of which queries he answered in the negative, and to the latter in the affirmative.”
274. *Mr. Crick.*] Do you remember how the letter was sent to Sub-Inspector Latimer? I expect it would be sent by a messenger, whoever would be handy.
275. *Mr. Williamson.*] Of course, the diary was entered up on the following morning? No, every evening.

Robert Ledwell Dunn called in, sworn, and examined:—

276. *Mr. Williamson.*] You reside at Parramatta? I do.
277. And for some time you were the contractor for the supply of meat to the Macquarie-street Asylum? Yes, for many years. *R. L. Dunn. 13 May, 1890.*
278. Did you at any time ever purchase from Mrs. Cunynghame any fat? Not one ounce.
279. If she has sworn that you did it is perfectly untrue? Perfectly untrue. I applied to her and she refused it to me. She said she sold it all to Pritchard and got soap for the asylum in return.

280.

*NOTE.—(On revision) :—This case of Ryall’s took place on the 3rd February, 1887, whereas the hereinbefore case of Peterson occurred in the year 1888. Both cases were fully dealt with, and did not occur during Mr. Maxted’s appointment.

- R. L. Dünn. 280. *Mr. Bourke.*] You say that you were contractor for the supply of meat to the Macquarie-street Asylum at Parramatta? I was.
- 13 May, 1890. 281. At the time you were the contractor for the supply of this meat where was your shop? I had the meat supplied by Taylor Bros. I was the contractor but I had the meat supplied by them under written agreement.
282. Did you supply anything else besides meat to the asylum? Yes, I have done so.
283. Were you not as a matter of fact employed in Taylor Bros. shop at the time? No never.
284. Only the meat was sent from there? That is all.
285. Who received the cheques for the supply of this meat? I did from the Treasury.
286. Will you kindly tell us where you paid them in? Sometimes into the bank.
287. What bank? The Commercial Bank of Parramatta. And sometimes I went to the Bank of New South Wales and got them cashed there.
288. Will you tell us to whose credit you paid them in? They must have gone to my own credit if I paid them into the Commercial Bank, but I mostly got them cashed at the Bank of New South Wales.
289. You are quite sure that you paid them into your credit at the Commercial Bank? If I paid any in at all I paid them in to my own credit, but I generally got them cashed at the Bank of New South Wales in sovereigns.
290. Did you ever employ any men from the George-street or Macquarie-street Asylums? Yes.
291. Did you pay them wages? I did.
292. You paid them yourself? Yes.
293. *Mr. Crick.*] Where did you have your banking account during the time that you were contractor for the supply of meat to the Macquarie-street Asylum? At the Commercial Bank, Parramatta.
294. You say there was a written agreement between you and Taylor Brothers? Yes.
295. Who are Taylor Brothers? Mr. Taylor's two sons.
296. Which Mr. Taylor? Mr. Hugh Taylor's two sons—Spencer Taylor and Frederick Taylor.
297. Where is the written agreement of which you speak? I have it at home, I think, somewhere. I have not had any contracts for the last two years.
298. Could you produce it before the Committee? Very likely I can find it. I had a similar contract with Finlayson.
299. I am talking of the contract with Taylor Brothers; when was that entered into? Some time ago.
300. How long? I can't exactly tell.
301. Could you give us an idea as to how many years? It would be some years ago, I cannot tell exactly.
302. Who drew it up? Spencer Taylor I think. I had their prices before I tendered for the contract.
303. Are not tenders for supplies to the asylum called for annually? Yes; I believe so.
304. Did you ever enter into a fresh agreement with Taylor Brothers? Yes.
305. In writing? Yes.
306. Have you got those? I do not know. Very likely I have.
307. How many fresh agreements did you enter into with Taylor Brothers? I cannot tell you exactly.
308. Every year? No.
309. How long have you gone at a time without entering into a fresh agreement with Taylor Brothers? That I cannot tell you.
310. Two years? It may be so, or it may be more, or it may be less.
311. Did the price of meat ever vary during all this time? Yes.
312. It varied considerably I suppose? Yes; it did at times.
313. Were you carrying on any other business at Parramatta at this time? Yes.
314. What else did you do besides having a contract for the supply of meat to the asylum? I had the contract for running coaches to the steamers.
315. What else? I was acting manager for Mr. Jeanneret in connection with the Parramatta tramway for a few years.
316. Anything else? No, nothing else that I can think of.
317. How often would you get paid for the supply of meat to the asylum? Every month.
318. On an average, how much a month would you draw? I dare say I could tell you.
319. Could not you give us an idea of what it was monthly? No, I could not.
320. Was it £100? Less than that.
321. Was it £50? I cannot tell you exactly.
322. You always drew the money yourself, you say, and sometimes cashed the cheques? I did. I sometimes gave instructions to someone else to draw it.
323. To whom else would you give instructions to draw it? Sometimes to my nephew.
324. Did ever any of the Taylors draw it for you? Yes.
325. How often? Sometimes; I cannot say how often.
326. Which of them? Mr. James Taylor. It was done as a matter of convenience to me, and to save my running backwards and forwards to and from Sydney.
327. You cannot tell us how often he drew it for you? No, I cannot.
328. Were you paid by voucher in the ordinary way? Yes.
329. Had anyone a standing authority at the Treasury to receive payment of these vouchers on your behalf? Yes; Mr. James Taylor had at times. It might last perhaps for three or four months or perhaps longer. I would recall the authority sometimes and go and draw the money myself.
330. Can you give us an idea of how often that would happen? I cannot; I have no reason to remember.
331. Would not that be very seldom indeed? No, very often.
332. It was only drawn by them to save you the trouble of going to and fro? That is all.
333. And it would be paid into your bank at Parramatta whether you received the money in coin or cheques. Your bank account would within a day or so after you received this money from the Treasury show a deposit to your credit? Yes; unless I wanted to pay it away. I would not pay it into the bank if I wanted to pay the money away next day or the day afterwards.
334. Did you always during this time keep a banking account? I did.
335. On an average what profit did you make on your contract with Taylor Bros.? I cannot tell you exactly.
336. Did you ever lose? No.

337. How many of these contracts do you think you had in writing? I cannot tell you exactly.
338. Had you any transactions with Taylor Bros. besides this one contract for supplying the asylum? No other contracts that I can recollect.
339. Were you engaged by them in any other way at all? I was not engaged by them at all.
340. Did you ever go down with Mr. Hugh Taylor to the Colonial Secretary or the Under Secretary? To the Colonial Secretary, never.
341. To any Government official who is connected with this asylum? No; I have no recollection of anything of the kind.
342. Who used to fill in the tenders that were sent in for these contracts? Myself, part of them.
343. Who filled in the other part? Master Spencer Taylor.
344. One of Mr. Hugh Taylor's sons? Yes, because I had got the prices from them.
345. They knew then what you were tendering at? Yes, pretty well.
346. You say you filled in part and some of the Taylors filled in part;—which part did the Taylors fill in? I cannot recollect.
347. *Mr. Ritchie.*] Were the tenders drawn out in schedule form? Yes, with different prices.
348. *Mr. Crick.*] Who put in the prices? I did, or had them put in; I do not remember.
349. I want you to be very careful? Well, I can't remember exactly; I am not exactly certain on that point.
350. You will be able when you see these tenders to say what is your handwriting and what is not? Just so.
351. How long is it since you have had this contract for the supply of meat to the asylum? I have had contracts for supplies to the Government for thirty-five years.
352. How long is it since you left off supplying the Macquarie-street Asylum? About two years ago.
353. About the time Mrs. Cunynghame left? Somewhere about that time, I think.
354. Were you and Mr. Hugh Taylor ever together when he spoke to Mrs. Cunynghame in connection with the meat and the meat supply;—do you ever remember Mr. Hugh Taylor saying anything about the supply of this meat to Mrs. Cunynghame in your presence? I do not. Mrs. Cunynghame always wrote to me, and I went myself.
355. Do you swear that you were not simply a dummy for the Taylors in the matter of these contracts? I do. I have never been a dummy for anybody.
356. Were there any sureties required in connection with these contracts? Yes.
357. Will you tell me who your sureties were? I have had different persons at different times, and I cannot think of all the names, but amongst others were the following gentlemen:—Mr. Murray, Mr. Henderson, Mr. Hughes, and Mr. Court.
358. Do you remember when you first got the contract for this asylum? I do not remember.
359. Then you cannot say who were your sureties for the first contract? No; I have had so many different sureties that I can't remember. I would have nothing to do but ask anybody in Parramatta and I would get their names as sureties to anything, pretty well; I was never refused.
360. Did you ever carry on a butchering business yourself? Since I was eight years of age I have been butchering.
361. Where? At Parramatta. I built my own slaughter-house and killed my own cattle.
362. And are you still doing so? No.
363. When did you leave off the butchering business? About twenty-two or twenty-three years ago.
364. And long before you got the contract for this asylum? Yes, it may be for the asylum, but not for the other contracts.
365. But long before you ever had any contract with this asylum you had left off butchering on your own account? I cannot exactly remember whether it was since the asylum was established in Parramatta or not.
366. During the time you were supplying this asylum, Taylor Bros. did have their butchering plant in operation? They did.
367. They knew at what prices you were tendering to supply the asylum? Yes, I think they did.
368. You say they filled in part of the tenders, and they could sell to you and you sell to the asylum, and every time you made a profit? Yes, every time I made a profit.
369. *Mr. Ritchie.*] You say you have been a contractor in Parramatta for thirty-five years? Yes.
370. You were a contractor as a butcher at that late period? Yes.
371. In contracting for this asylum you received your quotations from Taylor Bros. on which to base the prices in the tenders? Not only Taylor Bros., but Finlayson and other places.
372. Was there anyone else besides Finlayson from whom you got meat? No; I have asked others, but I have never got any offer from them.
373. And you simply based the prices of your contract upon the quotations these people gave you? Yes.
374. And then you worked the contract through these men? Yes; we have differed at times. They have asked a price I knew I could not get, and we have differed at times.
375. You say you have an account in the Commercial Bank? Yes.
376. Did you not bank all the cheques you received in business into your account? No.
377. You would cash them? Yes.
378. Do you think that was good business? Well, I would want money to pay away. For instance, I would want money to pay the Taylors or Finlayson on the day after I got my cheques.
379. Do you not think it would have been better to have paid the cheques into your account and then drawn against them by your own cheques? Well, it may have been. I should have had to draw the money out next day just the same.
380. Did you ever at any time allow these cheques to fall into the hands of Taylor Bros. to be cashed for you? Not that I am aware of; I do not think so; I have no recollection.
381. *Mr. Crick.*] I thought I understood you to say they had a standing order to receive them? So they had—Mr. James Taylor and Mr. William Tonks.
382. *Mr. Ritchie.*] That was to save you the trouble of going down to the Treasury yourself? Yes. If the cheques were not ready when I called at the Treasury for them, to save running down to Sydney again I would give an order for them.
383. Was your contract carried out with satisfaction to the Superintendent of the Asylum? Yes.

R. L. Dunn.
13 May, 1890.

- R. L. Dunn. 384. Were any complaints made at any time? Yes, there were complaints; but I have got a note from Mrs. Cunynghame saying that the meat was well supplied.
- 13 May, 1890. 385. And you gave general satisfaction in an ordinary way? Yes; I always endeavoured to do so.
386. *Mr. Crick.*] Did Taylor Brothers ever tender against you? I do not know, I am sure.
387. Did they ever tell you they did—they knew the price of your tender? No; I do not think they ever told me they did.
388. *Mr. Ritchie.*] They were acting in good faith with you as a tenderer, and would not tender against you, and you were working upon their quotations? Yes; I did exactly the same thing with Finlayson.
389. *Mr. Williamson.*] Although Spencer Taylor and Frederick Taylor are sons of Mr. Hugh Taylor they are carrying on the business distinct altogether from him? Yes.
390. And Mr. James Taylor would go into town every morning and come back every afternoon, and he being a Government official close to the Treasury, it was for the purpose of expedition that you gave him authority to draw your cheques? Yes.
391. And Mr. Tonks, where is he employed? At the Mines Office, I think.
392. *Mr. Ritchie.*] He is a friend or relation of yours? He is my nephew.
393. *Mr. Williamson.*] You could not afford to be running down every day and losing time? No.
394. When you finished your contracts, and just prior to Mrs. Cunynghame's departure, did you receive a testimonial from that lady? I did.
395. Have you got it with you? No; I have it at home.
396. Have you seen the evidence in this case—it was published in the *Argus*? Yes. I forgot to mention that when I asked Mrs. Cunynghame about the fat and refuse for some pigs I had she said it would not be worth my while, for there were not two buckets of refuse a day made at the place; at the same time I knew they were feeding twenty or thirty pigs a little distance out of town.
397. Who was? Mrs. Cunynghame.
398. Asylum pigs, or her own pigs? Her own pigs. I bought them at auction afterwards. She told me there were not two buckets of waste a day, and it would not be worth my while applying to contract for it.
399. Then you knew as a matter of fact that the refuse was being sent out to her farm? Yes.
400. Where is this farm? About a quarter of a mile from the boundary on the Western Road, lying back between there and the railway.
401. *Mr. Ritchie.*] Do you know of your own knowledge if there are any pigs kept in connection with the asylum now? I do not think so—in fact, I feel sure there are not.
402. *Mr. Williamson.*] So far as you know? So far as I know. I contract for the refuse from the asylum, and I would not allow pigs to be kept there, as I purchase the stuff.
403. You purchase the stuff? Yes, which I wanted to do from Mrs. Cunynghame years ago.
404. But now, since Mr. Maxted has been Director, everybody has had to tender for it in competition, and you have been accepted as the contractor, and you receive the refuse? Yes.
405. So that as a matter of fact you would not tolerate any pigs being kept at the asylum? Of course not.
406. *Mr. Ritchie.*] Then you are the contractor now? Yes.
407. *Mr. Bourke.*] What are you paying a year? £30 for the refuse from the two asylums and the cottage homes, where there are about a dozen people. The refuse does not include either fat or bones.
408. *Mr. Williamson.*] As a matter of fact I believe that there is not half the refuse now that there used to be? No.
409. *Mr. Crick.*] How do you know that? Before the present Director took office I had the contract for the refuse, under Mr. King's management, and I got then quite two-thirds more than I get now.
410. Are there more people in the asylum now? There are.
411. And there is less refuse than there used to be? Yes, for this reason, the present Director reduced the rations.
412. You seem to have an elaborate knowledge of the actions of the present Director—have you had any conversation with Mr. Maxted on this matter? No.
413. *Mr. Williamson.*] You wanted to get as much information as possible with regard to your tender? I did. I knew when I tendered that the rations were reduced, and I knew I was not going to get so much stuff.
414. You swear distinctly that you knew Mrs. Cunynghame was keeping pigs at her farm, and you bought some of the pigs? Yes; I bought them frequently.
415. *Mr. Crick.*] Do you swear that Mrs. Cunynghame fed twenty or thirty pigs on the refuse from this asylum? I saw it going away, and I saw the pigs being fed on it.
416. How often? Not very often; perhaps three or four times, when I was out to purchase pigs.
417. You saw this done three or four times? I saw it at the farm three or four times; but I saw refuse going away from the asylum very often. I saw the cart taking it away frequently, and men belonging to the asylum driving the cart.
418. Did you ever get any receipts from the Taylors for the various payments that you made them? Yes, I got receipts, but I do not know where they are.
419. Could you produce them to the Committee? I could not. It is two years ago since I had any contracts with them, and I did not know I should want anything of the kind.
420. You have been singularly fortunate in getting Government contracts, have you not? I don't think so.
421. You have been a Government contractor there for the last thirty years for this particular thing? It is because I can do it cheaper than anybody else.
422. You have always been lucky enough to tender under other people? I do not know how it is.
423. *Mr. Ritchie.*] You do not keep up an extensive establishment? No; I only recently sold the slaughter-house.
424. *Mr. Crick.*] Where do you keep the pigs? At Granville.
425. On whose property? My own.
426. Do you keep any pigs at Parramatta? No, none; the Act would not allow it to be done.
427. This is your own property at Granville? Yes.
428. How long have you owned it? About three or four years.
429. To whom are most of your pigs sold? Mr. Wells sells them.
430. Are not Taylor Bros. your biggest customers? They never bought a pig from me that I know of.

431. Have not pigs that have been fattened at your place been sold at Taylor's shop? None whatever, not a single one. R. L. Dunn.
432. *Mr. Ritchie.*] You find a better market by sending them to Sydney? A great deal better. I could not sell to Taylor Bros.; they would not give me the price I want, and I never sell retail; I sell wholesale, and send twenty or thirty pigs away at a time. 13 May, 1890.
433. *Mr. Crick.*] Do you ever keep any books, any trading accounts? Yes.
434. You have trade books? Yes.
435. *Mr. Ritchie.*] You say you never received any of this refuse from the asylum during Mrs. Cunynghame's time? Not from Macquarie-street.
436. And what opportunity had you of judging as to the quantity of refuse at that time and the quantity you now receive as contractor? Because the rations are altered.
437. Never mind about the rations. You say that there is less refuse now than formerly;—how do you know that? From the fact of the pigs I saw at the place.
438. It was by the pigs you judged? Yes, and the number of pigs I could keep on the refuse from George-street.
439. But did you ever see the refuse to be able to judge of it? Yes.
440. Going away from the asylum? Yes; I saw it taken to the farm and the pigs being fed from it.
441. *Mr. Crick.*] Three times? About three times.
442. *Mr. Williamson.*] You saw it leaving the institution a good many times? Yes.
443. *Mr. Farnell.*] Were you a contractor at the time you allege that Mrs. Cunynghame was sending the refuse away to feed her pigs on? Not for the refuse from Macquarie-street, but I was a contractor for the supply of meat and the refuse from George-street.
444. *Mr. Bourke.*] When Mrs. Cunynghame refused the refuse and said there would only be one or two buckets a day did she not say that that was in consequence of the new dietary arrangement? No.
445. Are you sure of that? Quite sure. It was long before the new dietary arrangement.
446. Did she not say it since the new dietary arrangement? I never applied since.
447. How long ago is it since you last bought pigs that you say were Mrs. Cunynghame's? It would be quite two and a half years ago.
448. You speak of the farm as Mrs. Cunynghame's farm;—are you sure it was not a man named Gould who had that farm? Gould had it afterwards.
449. Who was there when you went out? The old men from the asylum.
450. How many pigs were there? Between twenty and thirty.
451. Are you sure that when Mrs. Cunynghame had the place there were twenty or thirty pigs there? Yes; I bought three pigs from her.
452. You went out specially to see the amount of refuse, and what number of pigs she kept? Yes.
453. And you cannot go nearer than twenty or thirty? No, because there were some young pigs there. I bought three pigs from her at one time.
454. *Mr. Williamson.*] What did you give? I agreed to give 3d. per lb. Mr. Cunynghame refused to let me have them. I did not get them.
455. *Mr. Bourke.*] You say you saw the refuse leave the asylum, and saw it out at the farm? I knew the cart, and the men who were driving it.
456. Did you follow the cart out? No; I knew the men and I knew the cart.
457. *Mr. Ritchie.*] You saw the stuff in the cart? Yes; but I knew what there ought to be from what I got from George-street.
458. *Mr. Bourke.*] With regard to the vouchers for the meat, which were sent to the Treasury, who made those vouchers out? The printed form I made out myself.
459. Filling up the items. No; just giving authority to receive the cheque.
460. Were not bills furnished to the Treasury for meat supplied? No; only the regular vouchers.
461. You know all the people who are interested in this firm of Taylor Bros.? There are only two—Frederick and Spencer.
462. You say you know that Mr. Hugh Taylor is not in the business? Yes.
463. Do you know whether he is their buyer? No; he is not. I never saw him buy anything at all. I buy now a great deal for them.
464. *Mr. Ritchie.*] Was there no account rendered to the Superintendent prior to the voucher being filled up? No; the vouchers were filled up.
465. Who filled the vouchers up? They were filled up by the clerk of the asylum.
466. *Mr. Williamson.*] They were filled up by the clerk of the asylum, and then you sent them on with an authority either to pay the money into your credit at the bank or to some particular individual? Yes.
467. *Mr. Crick.*] You have been contracting all these years for the Government;—do you not know that the Government will pay the money into any bank you name in the voucher? Yes; but if I wanted my money on the Monday morning and did not get it until the Saturday, that would not answer my purpose.
468. *Mr. Bourke.*] You said that sometimes Mr. Finlayson gave you accounts of prices as well as Taylor Bros.? Yes, and he supplied the contracts for me.
469. Would they both give you those prices at the same time? No.
470. Then Finlayson gave them to you after you had finished with Taylor Bros.? Finlayson would give me his prices.
471. Was it at the same period? For the same contract.
472. They would both give you prices for the same contract? Yes, and Taylor Bros. supplied George-street and Newington and Finlayson supplied Macquarie-street for me.
473. Did you get Finlayson's prices for one set of asylums, and Taylor Brothers' prices for another? I got Finlayson's prices for the whole.
474. And Taylor Brothers' prices for the whole? Yes.
475. Finlayson supplied Macquarie-street for you—and where else? He supplied Macquarie-street alone.
476. And what institutions did Taylor Bros. supply? Newington and George-street Asylums.
477. *Mr. Ritchie.*] Then they did not supply Macquarie-street Asylum? Oh, yes. Finlayson only supplied it for me for one year.
478. *Mr. Crick.*] Tell us, if you can, the name of any other person who had a contract to supply this asylum up to the time Mrs. Cunynghame left? Mahony had a contract.

- R. L. Dunn. 479. I mean before Mrs. Cunynghame left. How long had you this contract uninterruptedly? Some years.
 13 May, 1890. 480. How many years? I cannot tell exactly.
 481. Twenty years? Oh, no.
 482. Ten? It may be so.
 483. More or less? I cannot say. I want to be correct, and I cannot say accurately.
 484. *Mr. Williamson.*] Was that continuously, or on and off? If I recollect aright, I lost the contract one year. I do not recollect distinctly, but it was pretty well continuous.
 485. *Mr. Ritchie.*] In your agreement with Taylor Brothers and Finlayson were your prices based upon a per centage that you would have for the transaction of business? Yes; that is exactly what it was.
 486. It was a percentage. Whatever they supplied they deducted a certain percentage—that was the way you contracted? Yes. I got their prices, and I tendered at a certain amount over, which paid me very well.
 487. Would that be the reason why they would make up your accounts, or did you keep a set of accounts yourself, and transact the whole of the business yourself? No; I did not. It was more a security for them for their meat that I should pay them every month, as soon as I got my cheque.
 488. Then, actually, they transacted the whole business for you? Pretty well so.
 489. And you kept no books of account against the asylum? No.
 490. You left that for them to do? Yes.
 491. And then you drew your percentage from them when the cheques were received? Yes, and paid them for their meat.
 492. Or, otherwise, you paid them a certain amount, keeping the balance to yourself? Yes.

TUESDAY, 27 MAY, 1890.

Present:—
 MR. CRICK, MR. KIDD,
 MR. RITCHIE.

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as Counsel for Mrs. Cunynghame.

Mr. T. M. Williamson appeared as Solicitor for Mr. Maxted.

Robert Ledwell Dunn recalled and further examined:—

- R. L. Dunn. 493. *Mr. Williamson.*] Have you been on speaking terms with Mr. Hugh Taylor for a long time? Yes,
 27 May, 1890. for forty-five or fifty years.
 494. I mean lately? No, not for the last three or four months.
 495. Up to the time of Mrs. Cunynghame's dismissal were you on speaking terms with Mr. Taylor? Yes.
 496. After her dismissal, did Mrs. Cunynghame come to you in reference to this inquiry;—did any messenger come to your house with reference to giving evidence before the Committee? I do not remember Mrs. Cunynghame sending to me.
 497. Did Mr. Hugh Taylor either directly or indirectly have any interest whatever in your contract with the asylum when Mrs. Cunynghame was there? None whatever.
 498. On the last day you spoke about some pigs, do you know whether she was keeping any fowls or ducks there besides? Plenty.
 499. *Mr. Bourke.*] When was this? Three years ago.
 500. *Mr. Williamson.*] Do you know if she kept them after Mr. Maxted was appointed Director? Yes.
 501. *Mr. Bourke.*] Kept what? Ducks and fowls, any quantity of them, on the asylum premises.
 502. *Mr. Crick.*] Since Mr. Maxted was appointed? Yes.
 503. *Mr. Williamson.*] And do you know how they were fed? No.
 504. Were the pigs kept at the same time? Yes.
 505. Kept out on her farm? Out on her farm.
 506. And you stated on the last day that those pigs were fed on the refuse from the asylum? Yes, I saw them being fed, and bought the pigs after they were fed.
 507. *Mr. Bourke.*] You said just now that Mrs. Cunynghame had some pigs at her farm after Mr. Maxted was appointed? I won't be quite so sure, I do not know the dates.
 508. *Mr. Crick.*] You said positively just now, in answer to my question, that it was after Mr. Maxted's appointment? I believe it was.
 509. *Mr. Bourke.*] Mr. Maxted was appointed on the 1st August, 1888, and Mrs. Cunynghame continued at the asylum three months after this? I believe it was at the time that Mr. Maxted was appointed.
 510. *Mr. Crick.*] Do you swear that she had pigs there after Mr. Maxted was appointed? I will not swear exactly as to the date.
 511. Do you swear that after Mr. Maxted was appointed Mrs. Cunynghame had pigs at the farm? I believe she had.
 512. Do you swear it? No, I do not swear exactly as to the date, because I do not know the date when Mr. Maxted was appointed.
 513. *Mr. Bourke.*] Between the 1st August, 1888, and the 4th December in the same year? I cannot exactly remember as to dates. The only thing I know is that Mrs. Cunynghame had pigs there, about twenty or thirty, and I have bought them at a sale, and have been at her house in reference to the purchase of them.
 514. On the last day you said there was a man named Gould at the farm? I do not know any man named Gould.
 515. Do you not know that Mrs. Cunynghame let her farm? I knew she let it to somebody, but I do not know the man.
 516. Do you not know that at the time that Mrs. Cunynghame was at the asylum she had a tenant for the farm? Only from what I heard.
 517.

517. Do you know whether Mrs. Cunynghame had let the farm or not during Mr. Maxted's time? I R. L. Dunn.
will not be sure.
518. All you know is that some time or other there were some pigs there? Some short time before; I 27 May, 1890.
cannot give the date.
519. *Mr. Ritchie.*] You said in one part of your evidence that you bought pigs from Mrs. Cunynghame?
Yes.
520. What was the last transaction of the kind? The last transaction was when I bought three pigs
from Mrs. Cunynghame herself.
521. What date? That I cannot tell you.
522. Have you no record? I have none whatever, because the pigs were never delivered to me. These
three pigs were kept on the asylum premises.
523. *Mr. Kidd.*] Pigs and poultry had been kept there for years, I suppose? Yes.
524. *Mr. Crick.*] How long ago is it since you had the last transaction with Mrs. Cunynghame? I cannot
say.
525. Can you tell me within a year? I think the last transaction was the purchase of those three pigs.
526. How long ago was that? I cannot tell you.
527. Was it one year, two years, or three years? It might be three or four years ago.
528. Not less than three years? I cannot say.
529. Was it less than two years? No, and not less than three years I think.
530. It is more than three years? Yes.
531. Since you had this last transaction? I think so.
532. Is that the last time that you can say of your own knowledge that Mrs. Cunynghame kept pigs in
connection with the asylum—when you bought those three pigs more than three years ago? Certainly
not.
533. What do you mean? I say it was not the last time that she was keeping pigs. She had been keep-
ing pigs out at her farm.
534. Of your own knowledge you know this? Yes, because I went to buy them from her.
535. And you say the last transaction was when you purchased the three pigs? Those were the last I
bought. She had them out at her farm. I went out to see them.
536. How long ago is that? I cannot tell you.
537. A year? It may be.
538. Two years? No, I should not think it was. I cannot fix the date.
539. You cannot say within a year? I have no reason to recollect.
540. Then you cannot say within a year? No, I cannot.
541. *Mr. Ritchie.*] Did you pay Mrs. Cunynghame for the pigs by cheque or in money? She never
delivered the pigs.
542. Then the transaction was not completed? The transaction fell through. Since that time I have
been out to her farm and have seen pigs there, and have gone to her house to purchase them.
543. *Mr. Crick.*] Did you see Mrs. Cunynghame there? I saw her at the asylum.
544. Who did you see at the farm? Three or four poor-house men.
545. What were their names? I cannot tell you.
546. Did you see anybody else there? No.
547. How did you know they were poor-house men? I knew them at the asylum.
548. *Chairman.*] How long ago was it when you saw these men at the farm? Over three years ago.
549. *Mr. Williamson.*] Who sold the last lot of pigs for Mrs. Cunynghame? Burns, the auctioneer, at
Parramatta.
550. *Mr. Crick.*] How do you know that? I bought them from him.
551. How do you know he sold them for her? He sold them as Mrs. Cunynghame's pigs.
552. Whom did you pay? Mr. Burns, the auctioneer.
553. *Mr. Bourke.*] How long ago? Nearly three years ago.

Charles Warner called in, sworn, and examined:—

554. *Mr. Williamson.*] Are you an attendant at the Macquarie-street Asylum at the present time? Yes. C. Warner.
555. And I believe you were so from the time Mr. Maxted was appointed until the time when Mrs. Cunynghame was dismissed? Yes. 27 May, 1890.
556. Do you recollect a blind man named Burns? Yes; his name was Charles Burns.
557. Do you recollect his lying on the grass? Yes.
558. And Mrs. Cunynghame going over to him? Yes. She asked him to get up. He seemed to refuse
to do so, whereupon she just poked him with her umbrella and he still refused to get up. I think he
got up afterwards. She called upon attendant Edgar and myself to put him in the isolation ward, which
we did.
559. Previous to putting him in the isolation ward did you hold back? Yes, we hesitated a bit.
560. *Mr. Kidd.*] Was this before or after Mr. Maxted was appointed? After Mr. Maxted's appointment.
561. *Mr. Williamson.*] Why did you hesitate? We did not like to do it, in fact.
562. Did Mrs. Cunynghame say anything to you then? Yes. When she saw that we hesitated a little
she told us to never mind she would protect us.
563. After she told you that you took the man to the isolation ward? Yes.
564. In hesitating you seemed to believe that the man had no right to go to the ward? Well, we were
not policemen exactly.
565. Did you tell Mrs. Cunynghame that the man had no right to be taken there? No.
566. This isolation ward was a cell, was it not? It was a place partitioned off from the dormitory.
567. Of what size? About 9 feet by 6 feet, or it may be a little larger.
568. Was it in darkness? No, there was a window in one or two of them, and a lattice at the end of all
of them.
569. Were the men allowed to go on the grass-plot at this time? No; the men were not allowed to go
on the grass-plot when I was there.
570. What was the grass-plot used for? It was not used for anything; Mrs. Cunynghame's horses and
pony used to go there occasionally.
571. Used to feed on it? Yes, in the evening. 572.

- C. Warner. 572. And also a cow? No, I never saw a cow there.
- 27 May, 1890. 573. After Mrs. Cunynghame's dismissal were the men allowed to go on the grass-plot? Yes.
574. Do you recollect an inmate named Kilmair? Yes.
575. Do you know in what part of the building he was? In No. 2 hospital. He was in the yard first, but was put into No. 2 hospital afterwards.
576. Do you recollect what he was suffering from? He had ulceration of the leg when he came in.
577. Do you recollect one of the wardsmen named Drew coming to you and having some conversation with you? Yes.
578. This was after Mr. Maxted was appointed? Yes.
579. While that man was there, do you know if Mrs. Cunynghame had visited him for a couple of days? I do not know whether she did or not.
580. At any rate, Drew made some complaint to you? Yes.
581. Was Drew the wardsmen in that ward? Drew was warder at No. 2 hospital, the place where Kilmair was.
582. Do you recollect Mr. Maxted coming up to the ward one day at dinner time? Yes, I think there was some altercation about potatoes.
583. Did you hear Mr. Maxted say anything to Mrs. Cunynghame? He took up a potato and said, "This won't do," intimating that the potatoes would have to be better. The potatoes were not good on that day.
584. *Mr. Crick.*] You say the potatoes were not good on that day? Yes.
585. Did you see them? I did.
586. And they were not good on that day? No, they were not.
587. Then was it an unusual thing for them to be like that? No.
588. They were usually very bad? Yes, they were, as a rule, very bad.
589. How long had you been there then in your present position? I think about four months.
590. Had you ever made any report of this state of things? No, I had never made any report.
591. *Mr. Williamson.*] Where do the potatoes come from? From the contractor.
592. Are they passed by the person in charge? Yes, they are passed by the superintendent.
593. Were you in the wards at night-time? Yes.
594. Did you ever know Mrs. Cunynghame to visit the wards at night-time? I never knew her to visit the wards at night-time.
595. And I suppose if she had been there you would have seen her? If she had been there when I was there, I would have seen her.
596. What were your hours? Sometimes until between 8 and 9 o'clock, and if there was a bad case of course we would go up oftener.
597. And I suppose if there was a bad case you would go on earlier? No, not as a rule.
598. At what time would you go on if there was a bad case? We might be up again at 7 after we had left at 6.
599. I suppose you would be constantly on the watch if there was a bad case? Certainly.
600. And you say that in no instance did you see Mrs. Cunynghame there at night-time? No; I never saw Mrs. Cunynghame in the ward at night-time.
601. And I suppose you have had some very bad cases at night-time? No; I do not think we had at that time; I do not remember any.
602. Kilmair's was a bad case? Yes, his was a bad case.
603. Did you receive any directions from anybody, or did you simply use your own discretion—you and the other wardsmen? I received directions both from Mrs. Cunynghame and the doctor.
604. Was that in the day-time? Yes; I received instructions from Mrs. Cunynghame about Kilmair.
605. Who used to go through the wards at night to see whether these cases were attended to? Nobody. We never had any night duty then after 9 o'clock. We were not supposed to go round after 9 o'clock.
606. But up to 9 o'clock? Nobody came round that I know of. We never expected anybody.
607. Up to the time of her dismissal did you observe whether Mrs. Cunynghame treated the patients kindly or harshly? I have certainly seen her very kind in some instances, and sometimes I thought differently of her.
608. *Mr. Crick.*] What was your general impression. Did she strike you as a cruel woman, or a naturally kind one? Not as a kind woman by any means.
609. Did she strike you as a cruel woman? Yes; I thought so at times.
610. Could you give us instances on which you found the opinion that she was a cruel woman. What occurred to make you think that. Give us each case you can think of? I could not think of any just now, except that of Burns.
611. Will you tell the Committee the worst case that ever came under your notice that made you think that Mrs. Cunynghame was a cruel woman—the very worst one you can remember? I think Burns' case is the worst I can remember.
612. What was that? Burns was ordered off the grass plot and sent to the isolation ward.
613. That is the worst case you can remember? Yes.
614. And I think you said that when Mrs. Cunynghame went up to Burns, she asked him to get up, and he refused? Yes.
615. Was it his duty to obey her? Certainly it was.
616. Then he was guilty of disobedience? Certainly he was.
617. I suppose discipline must be maintained amongst these people—is maintained, is it not? Yes; discipline must be maintained certainly.
618. And that is the very worst case you can think of, on which you found the opinion that Mrs. Cunynghame was a cruel woman? Yes.
619. *Mr. Williamson.*] How long did Burns remain in the isolation ward? I could not say.
620. Over a day? I do not remember.
621. Did you ever see Mrs. Cunynghame drive horses off the grass plot when they were feeding there? No.
622. *Chairman.*] What was the size of the isolation ward? About 9 feet by 6 feet or 8 feet.
623. *Mr. Ritchie.*] Were none of the patients allowed to sit on the grass lawn? No.

624. Was there any regulation prohibiting them from doing so? No, there was no placard up or anything to that effect.
625. Did Mrs. Cunynghame, or Mr. Maxted, or anyone in connection with the asylum issue any regulation prohibiting any patient from sitting on the grass? Not that I am aware of.
626. Had you ever to remove anybody else off the grass? No.
627. Is the isolation ward considered in the asylum as a kind of watchhouse or prison? No; it was just an isolation ward to put refractory patients in. That is what it seemed intended for.
628. *Mr. Williamson.*] Was it understood that the patients were not to use the grass plot? Yes; they were not allowed on the grass plot at all.
629. The only place they had to walk was up and down alongside the sheds? Yes; alongside the shed, and alongside the wall.
630. *Mr. Bourke.*] Didn't they have some back garden? No; only a few eye patients were allowed to walk round the cottage.
631. Was not the isolation ward part of one of the dormitories? Yes; it was in the dormitory.
632. Was it not one end of the dormitory partitioned off? Yes.
633. And there was an opening of 2 or 3 feet between the top of the partition and the ceiling? Yes, I think there was an opening of about 2 or 3 feet.
634. Quite enough for a big man to get over? Yes.
635. Being in the wards at night you left at 6 o'clock ordinarily to have tea I suppose? We left at 5 o'clock to have tea, and went back at 6 o'clock.
636. How long did you remain there after 6 o'clock? Not very long, but we would run up again if we had a bad patient or so.
637. You would not be there long after 6 o'clock unless you had some bad patient? No.
638. At what time would you leave off finally for the evening? At 9 o'clock.
639. Between 6 and 9 o'clock you would not ordinarily be much in the hospital? No.
640. Then you could not say for certain whether or not Mrs. Cunynghame went in there between 6 and 9 o'clock? I could not say for certain, but I never saw her there.
641. Was it ever your duty to make a report to Mrs. Cunynghame in the evening as to the state of things in the hospital? I never had occasion to do so.
642. Was there any order to the effect that you and Edgar on alternate nights were to make a report to Mrs. Cunynghame as to the state of things in the hospital? No, we never had any orders to that effect.
643. And did you never make such a report? No, I never made any report at all.
644. *Mr. Kidd.*] When there was a bad case did you receive instructions from the superintendent or the doctor to go to the hospital again between 6 and 9 o'clock, or did you go back of your own accord? I never had instructions from anyone.
645. Did they never suggest that you should go when there was a bad case? No.
646. You went of your own accord? Yes.
647. Did you go on duty at 6 o'clock in the morning? We went on at 6 in the morning until 6 at night, and we had orders from the doctor to stay until 9 o'clock if it was necessary. We were given to understand that we were to stop till 9 o'clock.
648. If you knew there was a bad case in the institution, it was your duty to go backwards and forwards until 9 o'clock? We were to go round again at 9 o'clock.
649. You did not go back after 9 o'clock? No.
650. Then who attended to the bad cases from 9 in the evening until 6 o'clock in the morning? Nobody.
651. You could not tell whether Mrs. Cunynghame went into the hospital between 9 o'clock in the evening and 6 o'clock in the morning? Certainly not; I was not there myself.
652. Then Mrs. Cunynghame would know that it was the duty of yourself and the other wardsmen to attend to bad cases between 6 and 9 o'clock? Yes.
653. She would know it was your duty by the doctor's instructions? I cannot say whether she would or not? I suppose she would.
654. You did not attend at the hospital between 9 o'clock in the evening and 6 in the morning? No.
655. Then Mrs. Cunynghame might have been there all night for anything you knew? She might have been there at any time between those hours and you would not have known anything about it? That might have been so.
656. You could not tell if you were not there? No.
657. And she might have gone frequently between 9 o'clock and 6 in the morning? I think I should have heard it if she had.
658. *Mr. Kidd.*] What season of the year was it when the potatoes were bad? I forget.
659. You say it was between the time of Mr. Maxted's appointment and Mrs. Cunynghame's dismissal that the complaint was made about the potatoes; therefore it might have been about November? Yes, November or October.
660. Are the potatoes generally very good about that time of the year? Certainly not.
661. Is not that about the time of year when the old potatoes go out before the new potatoes come in? Yes.
662. And is it not almost impossible to get good potatoes about that time? Yes, it is almost impossible. But the potatoes were generally bad. Sometimes they were good. I do not say they were always bad.
663. *Mr. Ritchie.*] Were the other supplies, such as meat and bread, of good quality? Yes, sometimes they were fairly good.
664. Only sometimes? Sometimes there were complaints about the meat.
665. Were the supplies at any time very bad? I cannot remember any instance of their being very bad.
666. Did not these matters come under your observation during the performance of your duties? Yes. I went round at meal times and if there was anything bad I took it to Mrs. Cunynghame. If there was any complaint I always went to her with it.
667. Did Mrs. Cunynghame attend herself in order to examine the supplies when they came in? I could not say who took them in.
668. Who was in the habit of receiving the supplies? I do not know whether Mrs. Cunynghame was or not. It did not come under my notice.
669. *Mr. Bourke.*] You say you remember Kilmail, and that he had an ulcer on his leg? Yes.
670. And that some time after Mr. Maxted was appointed Kilmail was very bad, and died in the asylum? Yes.

C. Warner.
27 May, 1890.

- C. Warner.
27 May, 1890.
671. Is it true that that man was left by you and the other wardsmen and Mrs. Cunynghame without food? No; he was not left without food. He was receiving comforts by the doctor's orders. Mrs. Cunynghame came to me and asked me to get the doctor to give him brandy instead of wine, or wine instead of brandy. I am not sure which.
672. Who used to be in the hospital during the day—both you and Drew? Yes.
673. Could a man be in a very bad state like that, and without attention for three days, and you and Drew there? Certainly not.
674. Such a thing could not happen without coming under your observation? No; and I am sure he was not neglected.
675. Then you can say of your own knowledge that it is not true that Kilmair was left by you and Drew and Edgar and Mrs. Cunynghame without food and attention for three days? Certainly it is not true.
676. And I suppose it could not have happened with all you people there? No; it could not.
677. Do you know a man named Rooney? Yes.
678. What kind of a man is he to manage in an asylum? He is very quiet from what I saw of him. I did not see much of him. He never came under my notice.
679. Do you remember just before Mrs. Cunynghame was suspended you and Edgar were out late one night, and Mrs. Cunynghame said something to you? Yes.
680. What did she say when you came back? I think it was 12 o'clock when I came back; I missed the train.
681. By whose leave were you out so late that night? I was out with no one's leave exactly, but I missed the train.
682. When Mrs. Cunynghame asked you, did you tell her that any one gave you leave to be away? No; I did not tell her that exactly. I told Mrs. Cunynghame, I think, that Edgar had told me that Mr. Maxted had given us leave to go out.
683. Did you not tell Mrs. Cunynghame that Mr. Maxted had given you leave to be away? No, I did not, because Mr. Maxted did not give me leave.
684. What you said was then that Mr. Maxted had given Edgar leave? Yes, that is what I said, and I thought I was entitled to the same. Edgar told me that Mr. Maxted had given him leave, and I thought I was entitled to leave also, and I went away. I did not intend to stay so late, but I missed the train.
685. Why did you leave the Macquarie-street Asylum? I went away on sick leave.
686. Did you go to any other asylum? After I was better I went to another asylum.
687. Were you not transferred because of a complaint against you? No.
688. Did Mrs. Brooke, the present matron, ever charge you with neglecting the patients? No.

Thomas Drew called in, sworn, and examined:—

- Mr.
T. Drew.
27 May, 1890.
689. *Mr. Williamson.*] What are you? A wardsmen at the Macquarie-street Asylum.
690. Were you there in that capacity from the date of Mr. Maxted's appointment as director until Mrs. Cunynghame's dismissal? I was wardsmen in No. 2 hospital during that time.
691. Were you there at night-time? Yes, always; I slept there.
692. What time did you go on duty? I was always on duty.
693. All night? Yes; and all day too.
694. And you were in charge of the ward there? Yes.
695. Would Mrs. Cunynghame at any time visit the ward at night? No.
696. Did she ever go there after dark? No.
697. The men in the hospital were simply left in your charge? Yes.
698. And was no one sent round to see that you people did your work correctly? No.
699. Prior to Mr. Maxted's appointment, used Mrs. Cunynghame to visit the ward at all in the daytime? Very rarely.
700. After Mr. Maxted was appointed, do you know whether she used to visit it or not? Yes; oftener than before.
701. Every day? No, not every day.
702. When? I have known Mrs. Cunynghame not to visit the ward for two months.
703. *Mr. Bourke.*] After Mr. Maxted was appointed? No; before.
704. *Mr. Williamson.*] How often after Mr. Maxted's appointment did Mrs. Cunynghame visit the ward? During the last two months she was there as a rule most days, but she was not there so frequently during the earlier part of Mr. Maxted's time.
705. When would she come? During the latter part of Mr. Maxted's time she would come sometimes in the morning.
706. But I mean in the first part of Mr. Maxted's time? She would never come at all.
707. Not in the day-time? No.
708. What check was there upon you men in the day-time? No check whatever. The attendants used to come round.
709. And Mr. Maxted? Yes; Mr. Maxted would occasionally come round.
710. Did you ever see Mrs. Cunynghame there attending to the patients to ascertain if they had got their correct food? When she came up she used to ask them if they had got what they wanted, and that sort of thing.
711. A few weeks prior to her dismissal? Yes.
712. Prior to that you say she never came up at all? Very seldom.
713. Do you recollect Kilmair dying? I do.
714. Was it a bad case? Well, the man had been bad for a long time.
715. Do you know whether Mrs. Cunynghame came up at all to see this man? Mrs. Cunynghame was up, during the time the man was there, several times; but I do not think she was up during the last two days before he died. I do not know whether she was in bed, or what was the matter, but she was not up for two days before he died.
716. So that he was actually dead before she knew about it? Yes. The man expected his daughter. He was not quite in his proper senses. His daughter did not come until about a week after he was buried. I remember the circumstance, because I was sent for at the time to go down to the office.

Mr.
T. Drew.
27 May, 1890.

717. Did Mrs. Cunynghame know that he was buried? Yes; of course she must have known that.
718. You say that for two days before his death she did not visit him? No.
719. Who reported his death to her? I did. I always reported the deaths that occurred in the ward.
720. Do you recollect Mr. Maxted coming round? Yes.
721. Did Mr. Maxted say anything to you in reference to this man? Yes; he asked me when Mrs. Cunynghame saw the man last. I said, "Mrs. Cunynghame has not been here to-day, and she was not here yesterday." That was all.
722. When Mr. Maxted obtained this information from you, did he say anything, or do anything? He went away from me then. I think he went to Warner, the attendant in that ward. He did not say anything more to me, except that he asked me what comforts the man had.
723. Was Mr. Maxted very angry? Yes; he appeared to be. He was not angry with me; I had nothing to do with it.
724. Do you know where he went to when he left the hospital? He went out.
725. Towards the office? Yes, down that way—downstairs.
726. When she did visit them, what was Mrs. Cunynghame's behaviour to these patients—was she cruel? No; never. I never saw Mrs. Cunynghame cruel to any patient.
727. At any rate, there was no supervision over you men, or over the attendants? No; of course, if anything went wrong it was my place to go and report it to Mrs. Cunynghame.
728. Was there anybody to check the supply of the food;—did Mrs. Cunynghame ever check the supply of the food? No; if any complaints were made, of course we used to go and make the complaint at the office to the clerk.
729. What I mean is, did anyone go round and see whether the wardsmen gave the patients the proper supply of food and spirits? No. During the latter part of Mr. Maxted's time the attendants served that out.
730. Was that when Mr. Maxted made the alteration? Yes.
731. *Mr. Kidd.*] Were you under someone else—under an attendant? Yes; in the latter part of the time, when Mr. Maxted had charge.
732. Before Mr. Maxted had charge, what was your position? Wardsman.
733. And you were under some attendant then? No.
734. You were under the doctor? Yes, more than anyone else.
735. You received most of your instructions from the doctor? I received all my instructions from the doctor and the matron.
736. It was your duty to see that no patient suffered in any way whatever while you were attending him? Yes.
737. And you are sure that you were very careful during Kilmair's illness that he got every attention that was possible under the circumstances? Yes; he had every attention.
738. *Mr. Bourke*] Besides you, Drew, who else was in the hospital as wardsman? There was no other wardsman there but me.
739. Were you the only man who was looking after the patients? Yes.
740. What about Warner and Edgar? I do not reckon them; they are the attendants in the institution.
741. But are they not the attendants in the hospital? Yes; Warner is attached to No. 1 hospital and No. 2 hospital.
742. They are attached specially to hospitals? Yes.
743. They are paid wardsmen? Yes.
744. And I suppose you were under them? Yes.
745. And if anything went wrong in the hospital you say it was reported at once? I should report it to Warner. This has been the practice since the attendants have had charge.
746. And then Warner, I suppose, would report it to the matron? Yes.
747. I suppose sometimes you had occasion to go to Mrs. Cunynghame when people were bad? I have often gone to Mrs. Cunynghame.
748. Did she always go back with you to the hospital? If there was anything to require her to go back she would.
749. She would go back and attend to the people if you made any report at all about them? Oh, yes.
750. She would go immediately and attend to them? Oh, yes.
751. You say that at first when Mr. Maxted was appointed Mrs. Cunynghame did not go there every day? She did not.
752. And did not go there in fact for some time? No.
753. Were you there all day long? Yes.
754. Never went away for meals? No; I had my meals in the hospital.
755. Never went out? No, unless I went for clean linen or anything of that sort.
756. Did you never go away from the hospital at all;—were you there day and night? Yes, and I was supposed to get up in the night if necessary.
757. And you never went outside the ward? No, unless I went for linen or anything of that sort.
758. Did you not have leave of absence after Mr. Maxted was appointed? Yes; I had a week.
759. How long after—very soon? No; just before Mrs. Cunynghame left.
760. That would be just the time of this man's death? It was the beginning of November, I think.
761. Did you ever hear Mrs. Cunynghame give any instructions to Warner or Edgar to look after the people? Oh, yes.
762. You have often heard that? Yes; I have heard Mrs. Cunynghame tell them.
763. Did the sick people ever make any complaint to you about the supplies of food? No.
764. Or with regard to their comforts? No, not particularly.
765. As far as you could see they were well supplied with food and medical comforts? Yes.
766. And Edgar and Warner looked well after them? Yes; they used to go into the ward two or three times a day.
767. *Mr. Kidd.*] You slept in the ward, did you not? Yes; I was in the ward the same as a patient; I had the first bed inside the door, and no one could go in or come out without my knowing it.
768. Always? Yes.

- Mr. T. Drew.
27 May, 1890.
769. *Mr. Bourke.*] With regard to Kilmair, is it possible that with you and Warner and Edgar there that man could have been so neglected that for three days he received no nourishment or medical comforts? The man was not neglected.
770. He was looked after I suppose by the whole three of you? Certainly he was. He was looked after by me; I don't know about the other people.
771. Did you report to Mrs. Cunynghame that he was dying? Why, the doctor knew it as well as I did.
772. But it was not reported to Mrs. Cunynghame by you? We never used to think of reporting it to Mrs. Cunynghame if a man was dying, unless his death took place; because men were dying in the institution daily.
773. It was a daily occurrence, and you did not think it worth while to report it? No.
774. It is untrue then if it is said that this man was lying there for three days without nourishment and attendance? Of course, because no man would be allowed in a hospital like that to lie there for three days without attendance. I should be a pretty sort of wardman if I allowed such a thing as that.
775. *Mr. Kidd.*] If Mrs. Cunynghame had visited the institution more frequently, that would not have improved the condition of the patients in any way—they were carefully looked after, even if Mrs. Cunynghame did not visit the hospital? Yes; everything went on just the same.
776. *Mr. Bourke.*] You are still a wardman? Yes.
777. What pay do you get? 3d. a day.
778. *Mr. Williamson.*] After Mr. Maxted's appointment, and before Mrs. Cunynghame's dismissal, was there not a wholesale robbery of the grog and so forth? Not that I am aware of.
779. By a man named Cook? That was not in my ward. I heard all about it but it did not happen in my ward.

THURSDAY, 29 MAY, 1890.

Present:—

MR. HAWTHORNE, | MR. RITCHIE.
MR. KIDD, |

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as Counsel for Mrs. Cunynghame.

Mr. T. M. Williamson appeared as Solicitor for Mr. Maxted.

Alfred Hanson called in, sworn, and examined:—

- Mr. A. Hanson.
29 May, 1890.
780. *Mr. Williamson.*] Where are you employed at the present time? I am wardman in No. 2 ward at George-street Asylum, Parramatta.
781. After Mr. Maxted was appointed as Director, and up to the time of Mrs. Cunynghame's dismissal, where were you employed? At the Macquarie-street Asylum, as head wardman.
782. In what hospital? For the whole asylum.
783. After Mr. Maxted's appointment, do you know who received the provisions? The provisions after they were brought were examined in the first place by the clerk.
784. *Mr. Bourke.*] How would you know who received them;—would you be there? Yes; I was in and out of the kitchen frequently. It was not my duty to receive the provisions, but I saw them come.
785. But would you be always there when they came? Not invariably.
786. But you were occasionally? I was occasionally.
787. *Mr. Williamson.*] How many times would you say a week? I should say six days out of seven. With regard to the meat, certainly.
788. During that time you say that the provisions were received by the clerk, Mr. Abbott, who is now deceased? Yes.
789. On any of those occasions, was Mrs. Cunynghame present? Immediately after the provisions were received Mrs. Cunynghame would come round, see the meat, and say what was to be done with it on that day.
790. When they were actually delivered at the institution? No, not when they were actually received.
791. She would come round subsequently to give directions as to how they were to be distributed or used? Yes, and if the clerk saw anything wrong with any of the provisions he would at once appeal to Mrs. Cunynghame.
792. And would call her attention to the matter? Yes; for instance, I know that on one occasion tea was taken to Mrs. Cunynghame.
793. Then it is a fact that Abbott, the clerk, did the receiving and supervision, and called Mrs. Cunynghame's attention to anything that was wrong? To anything that was not up to the mark.
794. With regard to the meat, after Mr. Maxted's appointment, and before Mrs. Cunynghame was dismissed do you recollect seeing the meat brought in at times? Yes; it was generally brought in while we were at breakfast.
795. Have you seen that meat, bad or otherwise? I remember particularly on one occasion; it was a day on which we intended to have joints, and the meat that was sent in was not fit to be cut up for joints; the cook said he could not utilize it for joints, and a stew or curry was made, I forget which.
796. *Mr. Kidd.*] In other respects the meat appeared to be sound enough? Yes, generally.
797. *Mr. Williamson.*] Have you seen tobacco received at the institution? Yes; I have seen it received frequently.
798. And have you seen the clerk send it back? It was sent back, I remember, on two or three occasions.
799. By Mr. Abbott? I had received so many complaints from the men about the quality of the tobacco that I spoke about it, and a basket was put outside for those who chose to return the tobacco, and they were told that if they put their tobacco in the basket they would receive a fresh supply.
800. That was after it was served out to the men? Yes.
801. Would that be an allowance for a week? Yes; a week's allowance for the general inmates would be served out every Saturday night.

802. Do you know who put the basket out? So far as I remember the matter was brought under Mrs. Cunynghame's notice by the clerk, from whom I received orders to put the basket out for the reception of the tobacco from the men who wished to return it.

803. Are you a smoker yourself? Yes.

804. Was the tobacco bad? It was very bad, and not infrequently it was very indifferent tobacco.

805. When the men complained to you after the distribution, did you complain to Mrs. Cunynghame about the tobacco? Yes; I brought it under Mrs. Cunynghame's notice.

Mr.
A. Hanson.
29 May, 1890.

Hugh Taylor, Esq., M.L.A., called in, sworn, and examined:—

806. *Mr. Williamson.*] You are a Member of the Legislative Assembly, and reside at Parramatta? Yes.

807. I believe you have taken a very warm interest in the different asylums while residing there? Yes.

808. Do you recollect the case of a man named Hayzelder being brought under your notice? Yes; it was brought under my notice by a constable.

809. Will you tell us what transpired? The Constable brought Hayzelder to me, and complained that Mrs. Cunynghame had refused him admission to the asylum. I said "It is strange; for what reason?" Hayzelder said, "Mrs. Cunynghame said I was drunk." I then approached very close to the man to see if I could discover the smell of drink, and I made him walk along the gravel footpath at the Court-house, and I found the man was sober. I then said, "Well, you will have to wait until the morning"; and I gave him a shilling to pay for his bed. I asked him if he had obtained an order from Sydney, and he said he had, but they had taken it from him at the gate. I believe he obtained admission to the asylum next morning.

810. After Mr. Maxted's appointment, did you have a conversation with Mrs. Cunynghame with regard to the dietary scale? Yes.

811. Will you tell us what the conversation was? Mrs. Cunynghame informed me that Mr. Maxted intended to make very great changes in the dietary scale, and to have separate tables for the men, and she said she did not think it would work well, but would be a failure. "Well," I said, "to protect yourself, Mrs. Cunynghame, you obtain all those orders yourself from Mr. Maxted in writing, so that if there is a failure the blame will not come on your shoulders."

812. Anything further? No.

813. Did you go down to the asylum? I did, in the interest of Mrs. Cunynghame's institution, and the police.

814. Did she tell you at any time that she had drawn up a dietary scale? Never; she never mentioned it to me.

815. Did she convey to you that Mr. Maxted was the person who drew it up? Yes.

816. Did you at any time ever threaten Mrs. Cunynghame? No; never in my life.

817. Did you have a conversation with her—the last conversation? That was with reference to a feast the Committee gave, through Quong Tart. After the inmates had been well regaled during the afternoon there was a quantity of wine, plum cake, and pastry left, which Mr. Maxted had asked me if I would supply to the destitute and infirm children at the Cottage Homes. I locked this up in a room, and told them what I was going to do, and next morning, while I was having my breakfast, my son came in and said—

818. Your son said something to you? Yes.

819. What did you do? I went to the institution, and I walked through the ward to the room where I had left the wine, and pastry, and other things. I found the door open, and the pipes, tobacco, wine, cakes, and everything I had left, were all gone. I then sent for Mrs. Cunynghame. She did not come, but Mr. Cunynghame came, to whom I said, "Who had the impertinence to take these things out of this room? Everybody was well supplied yesterday, and you know perfectly well, Cunynghame, that they were intended for the children, who are not able to obtain these things for themselves." He said, "I do not know." "Well," I said, "I heard there was a ball here last night, and that the young men went into the room and got the things out." I said, "I will make it very warm for some persons who have had the impertinence to come and take this stuff away."

820. Did you see Mrs. Cunynghame? I do not think I did that day. I said, "And for this gross misconduct in the stealing of these goods out of this room, I shall never put my foot into this institution again"; and I did not do so for a long while after.

821. Did you see Mrs. Cunynghame afterwards? I may have seen her some time that day.

822. Did you tell her at any time that you would not darken the doors? She may have heard what I have just told you I said to Cunynghame—that I would not go into the place again on account of the gross misconduct.

823. But you did not threaten her in any way that you would remove her? No; for I may as well say now that I saved her from being dismissed on two occasions by two different Premiers.

824. Did you ever, at any time, use any influence through the Director, Mr. Maxted, against Mrs. Cunynghame? Never; but I did everything I could to assist her by speaking to Mr. Maxted on fifty different occasions.

825. After Mr. Maxted's appointment, and in consequence of some communication Mrs. Cunynghame made to you, did you ask Mr. Maxted, for God's sake, not to interfere with her, so far as defalcations were concerned? Yes; I begged and prayed of Mr. Maxted not to interfere until he had thoroughly investigated the case, and then if he found the money was not forthcoming, he should report the matter to the Colonial Secretary.

826. But you say you saved her twice from dismissal? I think I did.

827. And did she give you a letter of thanks? After I gave my evidence before the Commission that was appointed to investigate the whole of the institutions, I received a very nice letter from Mrs. Cunynghame thanking me for the evidence I had given, and the kindness I had shown by coming forward without being solicited in any way whatever.

828. Mrs. Cunynghame has sworn that if there was any complaint about the meat, you personally came round for the purpose of seeing if the contract was properly carried out and so forth? I have never spoken to Mrs. Cunynghame during the last seven years, with reference to meat in any way whatever, except to give her this advice—"Whatever rations you have to obtain for your institution, see you get the best of its kind."

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829. In no instance was there a desire manifested on your part that meat should be received, although it was not fit for use? None whatever.
830. Do you know the Sub-inspector of Police at Parramatta, Mr. Latimer? Yes.
831. Did you at any time go with him to the asylum in reference to the meat? I never went to the asylum in my life with Mr. Latimer, except on one occasion, and then I went in the interest of Mrs. Cunynghame and the institution. I may as well explain this. I received a letter from a gentleman living between Granville and Auburn, stating that a poor man was lying there dying, that the police had been spoken to about the matter, but no notice had been taken of it. I immediately went to the Inspector of Police, and instructed him to send the conveyance and two policemen to bring this unfortunate man to the hospital. Instead of bringing him to the hospital they took him to the Macquarie-street Asylum, and it was reported to me that the man was not placed in a bed, but put into a cell. In the course of two hours after the man was admitted he died, and I demanded that an inquest should be held, knowing full well that he had not been placed in a cell.
832. What was the name of the man who died? I cannot remember.
833. Who wrote the letter? Mr. Richards.
834. Did you go down to the asylum? I did, and I demanded that an inquest should be held, in the interests of Mrs. Cunynghame and the institution.
835. *Mr. Hawthorne.*] Was an inquest held? Yes. That was the only time I was ever in the institution with Mr. Latimer.
836. *Mr. Williamson.*] And if Mrs. Cunynghame swears that you visited the institution with Mr. Latimer, about the meat, it is untrue? Yes, it is untrue.
837. Did you attempt to have Mrs. Brooks appointed in Mrs. Cunynghame's place, or did you have an interest in that lady's appointment? I never spoke to Mrs. Brooks or set my eyes upon her until after five weeks after she was appointed to the institution, when I was introduced to her in the Colonial Secretary's Office for the first time. That was the first time I ever saw her in my life.
838. Whatever interest you took in the institution was on behalf of the old people, and not either directly or indirectly in any contract that was existing? None whatever. If she will say what she knows perfectly well, Mrs. Cunynghame will tell you that I have always taken a great interest in the institution; that I have assisted her in every possible way, and sheltered her from gross accusations which were made against her. I had a man turned out of the institution by the late Colonial Secretary, for the manner in which he behaved to her. He was brought before the Bench, and I gave him six months, under the Vagrant Act.
839. *Chairman.*] Under whose authority did you lock those provisions in the room in the asylum? My own authority. They were my own provisions. I took them there.
840. Had you the power to lock any provisions up in the asylum? Yes.
841. *Mr. Kidd.*] For the purposes of a treat? Yes.
842. *Mr. Bourke.*] Who gave you authority to use a room in a Government Asylum and to take the key away? I did not take the key away.
843. How did you manage to lock the door? I locked the door and gave Mr. Cunynghame the key.
844. *Mr. Ritchie.*] Had you authority from the Colonial Secretary, or anyone, to hold these feasts there? Yes, it was a feast given by a number of ladies and gentlemen and Mr. Quong Tart and myself.
845. Were the articles you speak of the surplus of what was used at the feast? Yes, after the men had been well regaled, and the company had left about 5 o'clock, what was in the room was left in cases and locked up.
846. Did you have any authority from the Superintendent, or from the Colonial Secretary, to hold that feast there? Yes.
847. And you took the surplus stuff that was left and locked it up in this room? It was in the room.
848. Did you see it there yourself? I did it myself.
849. You put the stuff in there? The stuff was in there; I am certain it was there.
850. You locked the door? Yes; and I gave the key to the head wardman.
851. Not to Mrs. Cunynghame? No; I do not think so.
852. *Chairman.*] Did you inform Mrs. Cunynghame that the provisions were there? Yes; I informed both Mr. and Mrs. Cunynghame that it was intended for distribution among the children of the Destitute Home.
853. *Mr. Ritchie.*] On the following day, when you went up to the asylum in consequence of something that you heard had transpired there, how did you find these things? There was nothing left, except the cases and some straw; everything was gone.
854. *Mr. Hawthorne.*] Did the wardmen say who had taken these provisions? No; they would not say anything.
855. *Mr. Ritchie.*] Then how did you get your information as to how the things had gone? From a gentleman at Parramatta, who was at the party on the night previous.
856. What proof had you that there was a party there on that night? Because the stuff was gone in the morning.
857. But what proof was there that there was a party or ball there? I heard it, and I was told by Mrs. Cunynghame that she was going to have a few friends.
858. That was a private party? Yes; it was her own arrangement and had nothing to do with me, I was invited to be present.
859. *Mr. Bourke.*] What was the date? I cannot say; it was the last feast we had of Quong Tart's.
860. *Mr. Ritchie.*] Was it between the 1st August, 1888, and November, 1889? No, it was not during the time of Mr. Maxted; it was before he was appointed.
861. *Mr. Hawthorne.*] Is that party to which you refer the one that took place a few months after Mr. Maxted's appointment? No; the party at which this mishap occurred was, I think, previous to Mr. Maxted's appointment.
862. *Mr. Ritchie.*] You said that after what occurred on the feast day you would not enter the door again? Yes; on the Sunday morning.
863. You also said that you did not enter the institution for a long time after? Not for some time afterwards.
864. You said also in your evidence that you had a conversation with Mrs. Cunynghame with reference to the dietary scale? Yes.

865. Can you now fix in your mind as to whether that was after the date of Mr. Maxted's appointment? I can explain that. After I threatened Mrs. Cunynghame, as she says, that I would not go into the place again it must have been eight or nine months after Mr. Maxted was appointed that I went to the institution in the interests of Mr. Maxted and Mrs. Cunynghame.

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866. Then it was clearly before Mr. Maxted's appointment that you made the threat about not entering the institution again? I think it was.

867. *Mr. Kidd.*] You said that you gave evidence before the Commission in regard to this and other institutions? I did.

868. You gave evidence of a character which at least had the approval of Mrs. Cunynghame, who wrote you a very kind letter? Yes.

869. At that time the evidence you gave with regard to Mrs. Cunynghame was prompted by a knowledge of the fact that she was conducting the institution satisfactorily? So she was, as far as I could judge.

870. Was it not prior to that time that the wine and other things were taken? It was previous to that time.

871. Then by the evidence you gave as to Mrs. Cunynghame's satisfactory conduct of the institution it must be implied that you condoned any offence with regard to the wine and other things? I was asked the question when I gave my evidence, and I said I had no positive proof of it; but knowing the characters of some of the old men in the institution at that time, I was informed that the old men had broken in, and I accepted that version of the matter, not believing that Mrs. Cunynghame would attempt to steal the things.

872. You took that view and you gave such evidence before the Commission as satisfied them that you had confidence in Mrs. Cunynghame's management of the institution? Yes.

873. With regard to the man Hayzelder, to whom you gave a shilling for a night's lodging, you say you ascertained that he was not under the influence of drink? Yes.

874. You do not know, I suppose, of your own knowledge, how long it was from the time he left his ticket at the institution until you saw him in the street? He came from Sydney by the 4:30 train.

875. *Mr. Bourke.*] How do you know that? He did not obtain his order from the institution in Sydney until between 3 and 4 o'clock, and he told us he came by that train.

876. *Mr. Kidd.*] Do you know what time elapsed between the time when the man left his ticket at the institution and when you saw him in the street? I only know that he told me he came by the 4:30 train. At that time we had not speedy trains and it took an hour and ten minutes to reach Parramatta. It would take perhaps twenty minutes before this old man would arrive at the asylum. It takes some of them an hour. It has cost me over £20 for board and lodging which I have provided for old men arriving late. When Hayzelder came down to the Court-house it was not more than 10 or 20 minutes past 6.

877. *Mr. Kidd.*] Do you think it was possible, between the time that the man left his ticket at the institution and when your attention was drawn to him by the constable, that he could have been drunk and got sober again? No; it was impossible.

878. You do not know of your own knowledge what train he went up by? I only know what he told me.

879. He might have gone up in a morning train for anything you know? I do not think he could have gone by a morning train, because they never issue the tickets in Sydney until 2 o'clock.

880. With regard to the case that was brought under your notice where a man was found dying, you do not imply that Mrs. Cunynghame did wrong? No; it was in the interest of Mrs. Cunynghame that I had an examination held, in order to show that he was not placed in a cell.

881. *Mr. Hawthorne.*] What was the verdict at the inquest? Death from natural causes.

882. *Mr. Bourke.*] Did it come out in evidence that the man was dead when he reached the asylum? I don't think it did. He died about half-an-hour or an hour after he reached the asylum.

883. There was no suggestion that he was neglected? Oh, dear, no.

884. You do not know that Hayzelder had an order? Only from what he said.

885. What time was it when you saw him? It must have been a little after 6 o'clock.

886. You are quite sure that you never went up to the asylum yourself when any complaints were made about the meat? Not since four or five years ago, when the late manager of the institution was there, and I went on one occasion.

887. Not since then? No, I have nothing to do with the meat.

888. You gave very favourable evidence regarding the institution before the Commission three or four years ago, and up to that time you were quite satisfied? As far as I could judge.

889. Since you gave your evidence on that occasion have you had any cause to alter your opinion? Only what the old men tell me.

890. But as far as you could see yourself? I have not been in the institution much since the row.

891. You were there on the last feast day in Mrs. Cunynghame's time? Yes.

892. Was everything satisfactory on that day? I could not complain.

893. Can you tell us as to the look of the place? The place was always very tidy and very clean.

894. And the inmates then appeared to be well looked after? They did.

895. And the place well managed? As far as I could judge.

896. And the only reason you have had to change your opinion since you gave evidence before the Commission, is what you have heard from some old men? I have not altered my opinion of the institution since the time I gave evidence before the Commission; but I will say this much, that the men are better looked after, better victualled, and more comfortable and happier.

897. There is a new dietary scale? Yes.

898. *Mr. Williamson.*] The last feast that was given at the institution was during Mrs. Cunynghame's time? Yes; in 1888, when Mr. Maxted was there.

899. On that day, did you say to Mrs. Cunynghame, "I will never darken your doors, and will show you before long what I will do for you?" Every word of that is untrue.

900. Beginning at question 3251, Mrs. Cunynghame gave the following evidence before the Committee:—
3251. *Mr. Kidd.*] But what did Mr. Hugh Taylor want to come with the Inspector for? There was an anonymous communication. I do not know why he came, but I remember that there was a great rumpus about it, and I was a little bit put out.

3252. *Mr. Bourke.*] Was not Mr. Hugh Taylor in the habit of coming when there was any complaint about the meat? Yes, repeatedly.

Is that correct? It is false; there is no truth whatever in that statement.

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901. *Mr. Hawthorne.*] Is this correct?—
3524. *Mr. Bourke.*] He came to see about the meat generally, just as if he were the contractor;—is that so? Yes.
No; it is false; I never went near the institution during the last seven years with reference to meat.
902. At the last feast of the asylum, were you and Mrs. Cunynghame on friendly terms? Never better. I went to the institution to enjoy myself, and make the old people happy, and she was more than particularly kind to me on that day. She invited me into her place to have tea with some ladies and gentlemen, and said, "Well, Mr. Taylor, are you well satisfied with our proceedings to-day?" I said, "I am, Mrs. Cunynghame, everything is very nice and comfortable."
903. *Mr. Ritchie.*] Did you go in and have tea? No; I did not. If I had been annoyed, I would not have allowed Mrs. Taylor and my daughters to go.
904. *Mr. Williamson.*] At any time during Mr. Maxted's appointment did you in any way threaten Mrs. Cunynghame, or attempt to get her removed from her position? No; but I tried to have her retained in it.
905. And as a matter of fact, the only time when you spoke in a threatening manner to her or in reference to her conduct was when those goods were taken? Yes.

Alfred Hanson recalled and further examined:—

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906. *Mr. Williamson.*] Do you recollect a man named Nimmo, who was at the Macquarie-street Asylum? Yes.
907. Do you recollect the day after the Quong Tart feast? Yes.
908. I believe Nimmo was in No. 2 hospital? Yes.
909. Do you know what he was suffering from? I did not notice his card; but I think it was pthisis.
910. Was that man almost a perfect invalid? I did not have the opportunity of having much conversation with him.
911. Do you recollect the day after the Quong Tart feast Mrs. Cunynghame coming up when this man was in bed? Yes.
912. Did you hear her make any remark to him? Yes.
913. What did she say? The remark she made to him was that he ought to be up and earning his living, and not lying in that bed.
914. Did the man appear to be bad? He had always been in bed from the time he was ordered into the hospital.
915. I believe you assisted to put Burns into the refractory ward? Yes.
916. You know the green plot at the back of the institution? Yes.
917. Were any of the inmates allowed to go on that grass? No.
918. Had you any orders in reference to it? Yes; not to allow anybody on the grass.
919. Orders from Mrs. Cunynghame? Yes.
920. Although you had orders not to allow any of the inmates on the grass; were horses turned out there? Yes.
921. *Mr. Ritchie.*] Was any reason given why the men were not to sit on the grass? Simply that the grass used to look green and pleasant to anybody coming into the institution. It gave a nice appearance to the place, and if the men were allowed to go upon it it would spoil it.
922. *Mr. Williamson.*] Notwithstanding that, the horses were allowed to go upon it? I have seen the horses on it.
923. Have you seen the cow there also? Yes, the cow has been there too.
924. If anybody went on the grass, was there a penalty inflicted upon them? If a man persisted in going on he would be punished.
925. What was the punishment? Having his tobacco stopped.
926. For how long? That would be in the discretion of the Superintendent.
927. Was that part of your instructions? My instructions were to keep the men off the grass, and to report any man who persisted in going upon it.
928. Were you instructed to intimate to the men that their tobacco would be stopped if they did go on the grass? No; no man pushed it to that extent. They knew it was a recognized rule, and they kept off it.
929. *Mr. Kidd.*] And they never had their tobacco stopped? No.
930. *Mr. Williamson.*] After Mr. Maxted's appointment, at what hour in the winter-time did the men retire to their dormitories? Everybody had to retire at half-past 5.
931. Was anybody allowed to talk? About half an hour after the men had retired either Mr. Abbott, the clerk, or myself would go round to see that they were in their dormitories, and after we had made this round, and all was reported right, they were not allowed to talk.
932. That would be after 6 o'clock? It would be nearer 7, perhaps, in the summer. The men retired in the summer at 6, and in the winter at half-past 5. In the winter I would go round about half-past 6 to see that all was right, and after that they were not allowed to talk.
933. From whom did you receive those instructions? It was a rule that had always been followed by the head wardsman before I was appointed.
934. If anybody talked, did you report them? If a man persisted in talking after remonstrance the wardsman would report it to me, and make a complaint.
935. And what was the punishment? I do not know that a case was ever brought forward of a man wilfully persisting.
936. Did you tell them that your instructions were that their tobacco would be stopped? They knew very well that would be the punishment.
937. *Mr. Ritchie.*] Were there any cases in which the tobacco was stopped? The tobacco would be stopped if a man was found with vermin on him.
938. Were there any instances of that kind? Yes; one or two in my time.
939. *Mr. Kidd.*] They were too lazy to keep themselves clean? Yes; they had every opportunity of keeping themselves clean. If they did not do so I reported them, and their tobacco was stopped.
940. *Mr. Williamson.*] Do you know of a blind man having had his tobacco stopped for a week because there was a louse on his collar? Yes; I think there was a case of that kind, but I forget the name of the man.

941. During the latter part of Mrs. Cunynghame's management, do you know that Mr. Maxted extended the time for the men to talk? Yes; up to 8 o'clock at night.

942. *Mr. Kidd.*] That was part of the regulations, was it not? Not previous to Mr. Maxted's appointment.

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943. But there was a regulation that the men were to be allowed to talk after certain hours? They were not to talk after either the clerk or myself had been round to see that they were all right for the night.

944. And Mr. Maxted very kindly extended the time that they were allowed to talk? Yes.

945. Then it was a regulation? Yes.

946. *Mr. Williamson.*] Do you know whether, after Mr. Maxted was appointed, Mrs. Cunynghame received any supplies from the kitchen? There was always something taken in from the supply of meat to Mrs. Cunynghame's servants.

947. *Chairman.*] Were those servants inmates of the institution? Yes, they were all inmates.

948. *Mr. Hawthorne.*] Were they doing institution work? They were doing work about Mrs. Cunynghame's own house.

949. *Mr. Kidd.*] They were inmates of the institution? Yes; every one of them.

950. *Mr. Williamson.*] Do you recollect after Mr. Maxted's appointment, stopping a person named Phelix Cummings, who was then Mrs. Cunynghame's cook, with a joint of meat? Mr. Maxted stopped him going out of the kitchen with some meat one morning. Mr. Maxted called at the institution just after the meat had arrived, and met Cummings going out of the kitchen door with some meat in a dish, and he asked him where he was going to take it to. Cummings told him it was the meat for the matron's kitchen, and Mr. Maxted told him to put it down.

951. Did you see Mr. Maxted weigh the meat? Yes; I saw him put the meat in the scale.

952. Did you hear him make any remark at the time to this person? No; that was all I heard him say. I was serving out the porridge at the time, but I saw what took place.

953. During the first part of the time after Mr. Maxted's appointment, do you know who used to take the refuse? The tenant of Mrs. Cunynghame's orchard, I forget his name.

954. What used to be taken? On an average about, from four to five tubs a day.

955. Were they night tubs? Yes; tubs standing about 3 feet high.

956. A little in excess of five ordinary bucketsful? Yes.

957. *Mr. Kidd.*] That refuse could not be used up in any way for the institution? No; I should say it was only good for pigs.

958. It would not have been of any value to the institution if they had kept it and tried to make use of it? I do not see how it is possible to use it.

959. Then it was refuse? Yes, certainly.

960. *Mr. Bourke.*] You say that sometimes when complaints were made to you about tobacco, you carried those complaints to Mrs. Cunynghame? Yes, I took the complaints to the office.

961. And do you remember whether Mrs. Cunynghame took any action in the matter? I remember distinctly that on one occasion the men were asked to return the tobacco of which they complained, and they would have other tobacco in its place.

962. That was by Mrs. Cunynghame's orders? Certainly.

963. Do you remember a man named Hayzelder coming to the institution one afternoon? Yes, one night.

964. What time? It was after 6 o'clock. I remember that the majority of the men had gone to bed.

965. You were there, and I think helped to search him, did you not? Yes.

966. Did you find an order on him? No, though we searched his pockets for an order. The man appeared to be under the influence of drink.

967. You say he was under the influence of drink and he had no order? He had no order.

968. With regard to the man Nimmo, you say you do not know whether he was very bad or not at the time Mrs. Cunynghame spoke to him? No, I do not know the condition of the hospital patients.

969. Do you know how long it was afterwards when he left the institution? A day or two afterwards.

970. Did he appear to have recovered and to be well in health when he left? No; he was certainly not in good health.

971. Do you know whether men leave the hospital under the doctor's orders? As a rule the doctor used to discharge men from the hospital into the yard, and then, if they wanted to leave the institution, they did so of their own accord.

972. With regard to horses being on the grass, do you think horses would do the grass any injury? I do not know anything about such a matter.

973. Do you know whether people sometimes put horses on grass to keep it clipped? Yes; I know they do that.

974. Do you know of any cases where a man's tobacco was stopped for going on the grass? No; I cannot call to mind any case of the kind, because as a rule the men never transgressed the rule. They knew it was a fixed rule, and when I told any new-comer or anybody lying on the grass that they had no right there, they were very good, and removed directly.

975. You say that after you or the clerk had gone round the dormitories at half-past 6 the men were not allowed to talk? Yes.

976. Would they be allowed to talk in a low voice? That would be very much at the discretion of the wardsmen, I presume. If they were interfering with and annoying the other inmates they would be told by the wardsmen not to do so.

977. Then the order that they were not to talk was made so that they should not annoy the other inmates? Yes.

978. That is the reason for the order? Yes.

979. You remember that shortly after Mr. Maxted was appointed a man named Daniel Watsford was appointed and took charge of the library? Yes.

980. It was then that the hours were lengthened by Mr. Maxted? Yes, about that time.

981. Then the men had some facility for enjoying themselves in the evening? They could remain up, I think, till 7 o'clock. They had the time extended, at all events, by an hour or an hour and a half. Then they could stop in the library and read or play chess or dominoes.

982. Before that there was no library? No.

983. And there was no place for them to read or do anything of that kind? No; they had to retire to their dormitories.

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984. I suppose that in the winter-time when the time arrived the men would be glad to go to their beds? Yes; a great many of them would stand about the doors of the dormitories anxious for the bell to ring.
985. You say that Mr. Maxted intercepted some meat that was going to the matron's kitchen—do you mean that was meant for the matron herself or for her servants? For the men she employed there—the servants.
986. How long were you in the place during Mrs. Cunyngame's tenure of office? Three years, I think.
987. During Mr. Maxted's tenure of office, can you say that Mrs. Cunyngame was cruel? As a general rule Mrs. Cunyngame was exceedingly kind to the patients.
988. Was Mrs. Cunyngame there every day? She was in the office at times in the day.
989. About the institution? Yes.
990. You saw her every day, I suppose, about the place somewhere? Yes, when she was in health.
991. Would Mrs. Cunyngame ever go through the institution? Of a morning she would walk round to see that the things were clean and right.
992. And Mr. Cunyngame assisted her generally? Yes.
993. Do you remember a paragraph appearing in the *Sydney Morning Herald* with regard to the change of diet? Yes.
994. Do you know who wrote that paragraph? Yes; a man named Crawley in the Dispensary and myself.
995. Did you do it of your own accord? Yes; it originated between ourselves, more I think to show the outside world how we were living than anything else, that we were pleased with the change that had taken place in the diet, and wished to show that we were progressing.
996. This paragraph emanated from amongst yourselves out of gratitude for the change of circumstances? Yes.
997. *Mr. Williamson.*] Who signed the document that you and the other man drew up? Mrs. Cunyngame.
998. And what did she do with it after she signed it? She gave it to me to take down to the papers. It was entirely at our suggestion that she did so. I believe she signed it inadvertently not thinking what she was doing.
999. After Mr. Maxted's appointment did you ever see her go through the wards at night-time? No.
1000. If she had gone through, you would have seen her? Except as regards No. 1 and No. 2 hospitals.
1001. As a matter of fact, she did not go through the other wards at night? No.
1002. Have you, at any time since Mr. Maxted's appointment, prevented her from being unkind to the patients? No; I never interfered with Mrs. Cunyngame in the orders which she gave. The instructions which she gave me I carried out. When a man was going out who wanted clothes or anything of that kind I would draw Mrs. Cunyngame's attention to him if he was a deserving man, and recommend him to her favourable consideration; but it certainly would not have become me to stand between Mrs. Cunyngame and the patients, or interfere with her.
1003. You say "As a general rule;" can you tell us of any particular cases where she had manifested unkindness? There is the case of Nimmo. I certainly could not understand Mrs. Cunyngame speaking in the way in which she did on the day after Quong Tarts feast.
1004. *Mr. Ritchie.*] You mean when she said he ought to be out of bed earning his living? Yes. It took me by surprise at the time, and I never could account for it.
1005. *Mr. Williamson.*] Do you recollect the man Hayzelder? Yes.
1006. Do you know if the man manifested signs of imbecility and senile decay? No; he seemed to be more under the influence of drink when he came to the institution.
1007. At what time did he come to the gate? After the bell had rung at half-past 6. It was between half-past 6 and 7 o'clock.
1008. Could you smell drink upon him? No, I cannot now recollect distinctly that I smelt drink, but so far as I could judge from the man he was certainly under the influence of drink. He seemed to be quite mazed. He could not produce his order. He said he had an order, and could not get it out of his pocket, and as he could not find it himself I searched his pockets, but I could not find the order anywhere about him.
1009. I suppose you have seen many cases where men have been suffering from senile decay and imbecility;—did he present any symptoms of that description? It might have been either one or the other. It was certainly my idea that the man had been drinking, because I remember distinctly I said to him, "You must have got the order before 4 o'clock in the day, because the office in Sydney closes at that hour, and it is now half-past 6. Where have you been in the meantime?" but he could not give me any coherent answer.
1010. *Mr. Hawthorne.*] He arrived at the institution at about half-past 6 o'clock, and the train left Sydney at half-past 4;—how long would it take to reach Parramatta? I suppose about an hour.
1011. That would give him an hour from the time he left the train until he reached the institution? Yes.
1012. *Mr. Kidd.*] If an old man presented himself saying that he had received an order for admittance unless he produced that order, or it was found upon him, you would not take him into the institution? No.
1013. And Hayzelder had no order? No; he could not find the order about him. If he ever had an order he had lost it.
1014. *Mr. Williamson.*] Had you not instructions to take in any deserving case without an order? No.
1015. Do you know if the matron had power to take in a person without an order? Any case that presented itself at the office for admission was immediately reported to Mrs. Cunyngame, and if the man had an order it was taken by the clerk.
1016. And if they had no orders? The clerk would report to Mrs. Cunyngame that they were there.
1017. Do you know that, as a matter of fact, on the following day an order was obtained from Sydney, a doctor's order, showing that this man was suffering from imbecility and senile decay? No; I know the man came back on the following morning. I do not know anything more about his order. I received him the following morning and took him down to the bath-room.
1018. Then, as a matter of fact, the matron had power to admit any person whom she thought was deserving? I really cannot say. I presume she had; but I have known Mrs. Cunyngame when the gate has been locked and the bath men have gone to bed to give a man the price of a night's lodging to go elsewhere and return in the morning.
1019. *Mr. Ritchie.*] Is it only in the case of Nimmo that you have heard anything from Mrs. Cunyngame of a harsh character towards these men? That is all; as a rule she was exceedingly kind to them.

1020. Between the time when Mr. Maxted accepted office and the time that Mrs. Cunynghame left, do you know of any other instance besides that of Nimmo where what you would consider harshness on the part of Mrs. Cunynghame was used towards any of the inmates? No; I do not know of any instance.

1021. *Mr. Williamson.*] What about Burns, the man who was lying on the grass? That is one case which I stated.

1022. *Mr. Ritchie.*] Were you one of the parties who helped to take him up? Yes; Mr. Edgar, Mr. Warner, and myself carried him to the isolation ward.

1023. Did Mrs. Cunynghame behave harshly on that occasion? No. I saw him lying on the grass, and knew it was against Mrs. Cunynghame's orders, and that if she saw him she would be annoyed, and I asked him to leave the grass. He refused to do so, and I went up immediately and told Mrs. Cunynghame that he persisted in lying on the grass after I had told him to get off, and Mrs. Cunynghame came out herself with me. She asked him to leave the grass. He refused, and then she ordered him to be taken up to the isolation ward.

1024. *Mr. Hawthorne.*] Were there any other grass plots that the men could have gone on besides this? There are three grass plots in the place. There is one to the right and one to the left coming in, and a small one at the lower end.

1025. *Mr. Ritchie.*] Did the men use any of the others besides the main plot? No.

1026. They were not allowed to go on any of the grass? No.

1027. Did you know, of your own knowledge, that the fact of the men walking upon and lying about on the grass would spoil it? No; I simply took it as an order from Mrs. Cunynghame.

1028. *Mr. Hawthorne.*] Did it ever strike you as being harsh, that the old men should be kept off these grass plots? Well, there was plenty of room for them. I really did not think about it at all.

1029. *Mr. Bourke.*] Do you know whether these grass plots were used for airing the bed-clothes of the institution? Yes; the lower grass plot was used for that purpose.

1030. Do you know whether the man Burns had been making use of insulting remarks before this? Well, he was a very discontented man. He was always throwing out remarks about the institution generally.

1031. Do you know whether he made a disturbance at meal times, or absented himself from meals just before the time he was put in the isolation room? No; I do not remember that.

1032. All you remember is, that he was generally a discontented man? Yes. I believe I served him out about half a dozen jumpers. He was always tearing his blue jumpers to pieces, and was a very discontented, disaffected man.

1033. I suppose in these asylums there are always a large number of men who are discontented, no matter what is done for them? Yes; men who are always ready to grumble at anything you may do for them.

1034. No matter how kind you are to them? Yes.

1035. *Mr. Williamson.*] In consequence of the men not being allowed to go on the grass plot they only had the shed? The shed and the space in front of it, which was gravelled.

1036. Do you know the width of the space in front of the shed? About 8 or 10 yards wide.

1037. *Mr. Bourke.*] How long is it? I suppose about 50 yards. It extends very nearly from wing to wing.

John Langhorn called in, sworn, and examined:—

1038. *Mr. Williamson.*] Where are you employed at the present time? At the Macquarie-street Asylum.

1039. How long have you been employed there? Two years and better.

1040. Were you employed there from the time of Mr. Maxted's appointment until Mrs. Cunynghame's dismissal? Yes.

1041. When the meat and other provisions came in the morning, who used to receive them? Sometimes Mrs. Cunynghame, sometimes Mr. Cunynghame, and sometimes Mr. Abbott.

1042. But who chiefly? Chiefly, I think, Mr. Abbott.

1043. Will you tell us what time it used to come in the morning? Early; 6 or or half-past 6 o'clock.

1044. When would Mrs. Cunynghame see it? I could not tell you. I know the meat was never cut up until it was passed by one or the other.

1045. Passed by either Abbott, Mr. Cunynghame, or Mrs. Cunynghame? Yes.

1046. After Mr. Maxted's appointment, how many times in the week would Mrs. Cunynghame pass it? Really I could not say—several times.

1047. Several times during Mr. Maxted's time? Several times a week during Mr. Maxted's time.

1048. I am talking about Mrs. Cunynghame; how many times a week would she pass it? Two or three times.

1049. Then the meat and provisions on the other occasions would be passed by Abbott or Mr. Cunynghame? Yes.

1050. I believe you were not allowed to talk in your dormitories until Mr. Maxted interfered? Yes; I believe so.

1051. After Mr. Maxted was appointed do you recollect what became of the refuse from the institution? No; I could not tell you.

1052. You were employed in the kitchen? Yes.

1053. Will you tell us where the persons in Mrs. Cunynghame's kitchen were supplied from? From the main kitchen.

1054. That is from the institution? Yes.

1055. *Mr. Bourke.*] These supplies that were taken up from the main kitchen to Mrs. Cunynghame's kitchen—whom were they for? They went up into Mrs. Cunynghame's kitchen.

1056. You were not in her kitchen? No.

1057. During Mr. Maxted's time do you know whether Mrs. Cunynghame was cruel or unkind to you or any of the other inmates? I never knew Mrs. Cunynghame to be cruel to anybody. She always treated me with the greatest kindness.

1058. Used you to see Mrs. Cunynghame every day there? Yes, several times during the day.

1059. *Mr. Williamson.*] It was only in the kitchen that you saw her; you did not see her in the hospital or dormitory? No; my duty did not lead me that way, but she was several times in the kitchen during the day.

Mr.
A. Hanson.
29 May, 1890.

Mr.
J. Langhorn.
29 May, 1890.

Henry Blencowe called in, sworn, and examined :—

- Mr. H. Blencowe.
29 May, 1890.
1060. *Mr. Williamson.*] What are you? I am a messenger at the Macquarie-street Asylum.
1061. You have been in that position I believe about five years? Yes.
1062. Did your duties keep you in front of the asylum at Macquarie-street? Yes; except when I went out on a message.
1063. At what time in the morning would you go on duty? About 6 o'clock.
1064. And you would be walking up and down in front of the building? No; I would not be always walking up and down, I would be in the front.
1065. After Mr. Maxted was appointed, and up to the time of Mrs. Cunyngame's dismissal, can you tell me who used to receive the meat and provisions? The clerk used to receive them, and they used to be kept there until Mrs. Cunyngame saw them.
1066. Do you know if between the time of Mr. Maxted's appointment and Mrs. Cunyngame's dismissal, she went round the hospital wards at night-time? No; I do not recollect her going round the wards at night-time.
1067. Would you know if she went round? She might go round without my knowing.
1068. Did you ever see her going round? No; I cannot say I did.
1069. After Mr. Maxted's appointment, do you know where the refuse went to? After Mrs. Cunyngame let the orchard, it used to go out to the man who took the orchard.
1070. *Mr. Bourke.*] Did Mr. Abbott, the clerk, receive the goods every day? Not always; sometimes Mr. Cunyngame or Mrs. Cunyngame did; but the meat generally came early, before they were up.
1071. Do you know whether, after Abbott received the meat, Mrs. Cunyngame used to see it and pass it? She used to pass it in the kitchen—either Mrs. Cunyngame or Mr. Cunyngame.
1072. After Abbott received it in the first place, she went to see whether it was all right? Yes.
1073. *Mr. Williamson.*] Would that be after the cart had gone away? Yes.
1074. *Mr. Bourke.*] Do you remember a man named Hayzelder? I did not know much about the man.
1075. You were there when he came to the institution? Yes; I believe I was.
1076. And I think you assisted in searching him for an order? No; I did not search him.
1077. You were present when it was done? I do not recollect the searching of him; I just recollect his being in the office.
1078. What was your impression of him;—do you think he was drunk or sober? I should not like to say whether he was drunk or sober.
1079. I should like to ask you whether, during Mr. Maxted's time, you knew Mrs. Cunyngame to be very harsh to the inmates of the institution? Well, I have not seen her anyway harsh; sometimes she would be out of temper.
1080. But do you know of any case where she behaved very harshly to the inmates? Well, there was one case, that of the man on the grass; I thought that was rather harsh.
1081. I suppose Mrs. Cunyngame was kind to you? Yes; I never had a word with Mrs. Cunyngame all the time I was there.
1082. *Mr. Williamson.*] Being the messenger, your duties took you outside in the daytime? Yes.

TUESDAY, 3 JUNE, 1890.

Present:—

MR. FRANK FARNELL,

MR. HAWTHORNE,

MR. RITCHIE.

JAMES PETER HOWE, Esq., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as Counsel for Mrs. Cunyngame.

Mr. T. M. Williamson appeared as Solicitor for Mr. Maxted.

William White called in, sworn, and examined :—

- Mr. W. White.
3 June, 1890.
1083. *Mr. Williamson.*] What are you? A mariner.
1084. Were you an inmate of the Macquarie-street Asylum from the time of Mr. Maxted's appointment as director until Mrs. Cunyngame's dismissal? Yes, and I was there before Mr. Maxted's appointment.
1085. Do you recollect a blind man named Burns? Yes.
1086. I believe you were standing by when he was taken in charge by Edgar and Hanson? No, I was not.
1087. Where were you at the time? I was laying the table.
1088. At any rate, you recollect Burns being taken to the refractory cell? Yes.
1089. Was it in the afternoon or in the morning? About 2 p.m.
1090. Do you recollect the doctor coming? Yes; that occurred on Tuesday, and the doctor came on the following Friday.
1091. Do you recollect the doctor saying anything to Mrs. Cunyngame in reference to Burns? Yes; he did not mention Burns' name, but he was coming from the refractory cell at the time.
1092. What did you hear the doctor say to Mrs. Cunyngame? I was underneath the stairs, and he said to Mrs. Cunyngame "You overdid it."
1093. Can you tell us how long Burns was in the cell? From 2 p.m. on Tuesday, 2nd October, until the following Friday, at 11 a.m.
1094. Were the men allowed to go on the plot of grass? No, you would be turned off if you went on it. We could not hang a handkerchief or a towel on it but the head wardman would chuck them away into the bath-room, by Mrs. Cunyngame's orders.
1095. What was the grass plot used for? All I saw it used for was for horses, cows, and ponies, and for playing cricket.
1096. Were you allowed to speak in the wards after a certain hour in the evening? No. We went to bed at 5:30 p.m., and if we talked after that hour our tobacco would be stopped for a month.
1097. After Mr. Maxted's appointment did you ever see Mrs. Cunyngame go through the wards at night-time? Never.

1098.

1098. Did you ever see her inspect the food after Mr. Maxted's appointment? I have seen her going to the ward, but not inspecting the food.

1099. That would be in the day-time? Yes.

1100. Did she ever inspect the food of the patients when she went into the wards? She came in one day to me. I was captain of a table, and I objected to cut the meat up because it was nothing but bones. She said "Give it to me, I am used to cutting bones," and she said to Curry, "Run up to the kitchen and see if there is any more meat." Curry went, but whether he got any or not I could not say. She said, "Hanson, run up to the hospital and see if there is any meat left," and he went and came back with a dish of bones. I do not think there was much meat on them.

1101. To whom was that supplied? To the mess-room I was in.

1102. To the patients? Yes; to the inmates. It came out of the hospitals.

1103. In the day-time did Mrs. Cunynghame ever make any inspection of the bed linen? I was never in the dormitories in the day-time.

1104. Was the bed linen changed? No; the sheets might be changed, but they were only fit to cover the pillows.

1105. They were not sheets at all, then? They were like hand towels, sufficient to cover the pillow and no more.

1106. Was the bed clothing clean? I could not say. I did not have the best of eyesight. You could shoot peas through the blankets I had.

1107. On the whole, was the bed-clothing dirty? It was not clean.

1108. Do you know what became of the refuse from the asylum after Mr. Maxted's appointment? I know nothing about that.

1109. After Mr. Maxted's appointment did Mrs. Cunynghame ever speak to you in a harsh manner in reference to ruling you or anything of that kind? Yes. Something else happened before that. I went out on the 6th of August and I returned on the 21st of August, as I was taken bad with my back. On the 22nd of August, Hanson, the head wardman, came down and called for silence. He said, "Mrs. Cunynghame desired me to come and inform you that if there is any talking here after the doors are closed, she will stop your tobacco for a month. She has got the manager's consent to that effect." One man made the reply, "We are not prisoners or convicts, and we will talk until 8 o'clock." That was Dan. M'Enrick.

1110. What was the result? Next morning seven of us went to Mrs. Cunynghame's office. We told Mr. Abbott, the clerk, that we wished to see Mrs. Cunynghame. We went up at 9 o'clock, and we had to remain there until 10:50 a.m. before we could see her. When she came out she saw Dan. M'Enrick sitting on the edge of the grass by the footpath, and she said, "If you are that tired, you may go and get a form and sit on it." With that she walked in, and we followed her to the office. She said, "What is it you all want now." Dan. M'Enrick replied, "We wish to know if you will give us a copy of the rules and regulations of your asylum, so that we may know when we are breaking your rules." She said, "I have got none. Is that what you all want?" I said, "Yes, ma'm"; but Thompson said, "No, I wish to speak for myself," and Mrs. Cunynghame said, "You had better all speak for yourselves single-handed," which they did; Thomson, Burns, and myself being the three last. She said, "White, you are a bad man; you have the looks of it." "Humph; humph;" said I, "No better, no worse." "Very complimentary," says Thomson, the blind man. After I had told Mrs. Cunynghame that I would like to have a copy of her rules and regulations, and she had said she had none, she asked me if I wanted anything else, and I asked her if I might be allowed to put my pocket handkerchief and towel after it was washed on any portion of the grass in the asylum yard. "No," she said, and I said, "Am I to understand that I am to carry these things about on my person all day?" and she said, "No, there is a line for that purpose." I said to her "I am given to understand that you made a man take a shirt off the line yesterday morning," and Mrs. Cunynghame replied, "Because he was insubordinate." Mrs. Cunynghame said, "Is there anything more you want?" and I said, "No," that I would see the manager when he came.

1111. Did she say to you then that she would rule you with a rod of iron? Not then.

1112. When did she say that? I could not give the date.

1113. Was it after Mr. Maxted's appointment? Yes, some time after. She was going down one forenoon to go through the shed and she happened to go in towards the bath-room. There was a man named Shannon there and a man named Carter, the bath man. Something had occurred to nettle or annoy Mrs. Cunynghame, and I heard her say, "I will rule them with an iron rod, and an iron hand to use it."

1114. *Mr. Bourke.*] Did she say that to you? She said it to Shannon and Carter.

1115. Did you hear it? Yes.

1116. *Mr. Williamson.*] After Mr. Maxted's appointment were the inmates afraid of Mrs. Cunynghame? They had cause to be.

1117. How? We were not allowed to laugh amongst ourselves under the shed. If we did so, Hanson would run down and tell us to stop it, and he would say, "You know the matron does not like it."

1118. Did not like what? Our laughing and amusing ourselves under the shed, and I suppose we were 100 yards from her establishment. It was very hard to be in an asylum where you could not laugh and joke among yourselves.

1119. Did you know two inmates named Carter and Edwards? Yes.

1120. Did you know them to have their tobacco stopped at any time? Yes.

1121. What for? There was a complaint made against Carter for having vermin on his flannel, and another complaint against him for using bad language to Mr. Rossiter. When he was taken before Mr. Rossiter he said, "As they have complained against me, it is time for me to make a complaint. I am six weeks all but two days and cannot get a pair of socks." That afternoon there were socks for everyone who wanted them.

1122. What was his tobacco stopped for? There was one louse found on his flannel.

1123. And he was blind? Yes.

1124. Do you know a man named Edwards? Yes.

1125. Did he ever have his tobacco stopped? Yes.

1126. Was he blind? He was next door to it. He could see his way about, and that was all.

1127. After Mr. Maxted's appointment do you know that men were sent up by Mrs. Cunynghame to Mr. Maxted for punishment, and that they came back unpunished? They have been sent up, but I cannot remember the men now nor the date.

Mr.
W. White.
3 June, 1890.

Mr.
W. White.
3 June, 1890.

1128. Between the time of Mr. Maxted's appointment and Mrs. Cunyngame's dismissal was she tyrannical and harsh? Yes. I do not know what you mean by tyrannical, but she was harsh to everyone. She would not allow us any comfort whatever, only what she could not help.

1129. *Mr. Bourke.*] You say that Mrs. Cunyngame was harsh? Yes; she begrudged me to breathe the very air, and her own child in my arms.

1130. Then were you in the habit of nursing Mrs. Cunyngame's children? One baby was very fond of me, and I looked upon him as my own child.

1131. Did you refuse to do work in the institution? Never.

1132. You were asked whether Mrs. Cunyngame inspected food in the institution;—I suppose you do not know anything about that, because you were not in the wards in the day-time, or in the place where the supplies of food were received? No; I can say nothing about the food received from outside; but I can speak about the food that was delivered to the inmates at meal times.

1133. You have said that you could not say whether the sheets were changed in the day-time, but you have acknowledged that they were changed? I did not say they were changed.

1134. Then what you say is, that the sheets were never changed? Only perhaps once in three weeks or a month.

1135. You spoke about a man named M'Enrick, who went with you and some others on a deputation to Mrs. Cunyngame in reference to the talking at night;—was not M'Enrick a noisy man? No.

1136. Was he a quiet man? I always found him a quiet jolly man.

1137. Do you remember his leaving the institution? Yes.

1138. Do you remember whether he was taken away by a policeman? No; he was not taken away by a policeman.

1139. How do you know? I saw him go.

1140. Was there a policeman outside? I do not know; I was inside.

1141. You do not know whether he was taken away by the police or not? I cannot say.

1142. You have said, also, that you asked Mrs. Cunyngame for a copy of the rules of her institution, so that you would know when you were breaking them? Yes.

1143. Did you not say this to Mrs. Cunyngame, "By what right, or according to what rule, do you stop us from talking at night?" No, I did not.

1144. One feature of the great distress which you underwent was that you could not hang your handkerchief and towel on the grass? That was one cause of complaint.

1145. You said you were not allowed to hang your handkerchief and towel on the grass? Yes; or even on the trees.

1146. Did not arguments on political and religious subjects take place sometimes between the men in their dormitories at night? I never heard any.

1147. Did you never argue yourself with other men at night, and loudly too, on religious and political topics? No, I did not.

1148. Do you remember a Chinaman being in the institution? I remember the Hottentot.

1149. Were you not in the habit of tormenting that man, and tripping him up—you and M'Enrick? No.

1150. Are you quite sure you never tormented that man? Certainly.

1151. And that Mrs. Cunyngame never spoke to you about it? She never spoke to me about it. The man will say that I was the best friend he ever had in the asylum.

1152. *Mr. Williamson.*] As a matter of fact, did you not one day, after Mr. Maxted was appointed, protect this man from being insulted by the other inmates? Many a time I would protect the man from the remarks of different people.

1153. *Mr. Bourke.*] You did not trip him up or tease him? Never.

1154. Did you complain to Mr. Maxted of Dr. Violette's treatment? I think that if I made a complaint about Dr. Violette I ought to make the same complaint about Mr. Cunyngame.

1155. Did you make the complaint? I did.

1156. You made it to Mr. Maxted? I merely mentioned it to him; I gave him no particulars.

1157. Did you get any satisfaction from Mr. Maxted? I did not want any.

1158. You only made the complaint for fun, I suppose? Not for fun. It is in my head yet and in my book, both as regards Dr. Violette and Mr. Cunyngame.

1159. Did the doctor treat you well or did he treat you ill? He treated me ill, and so did Mr. Cunyngame. Dr. Violette put down "continue" to my prescriptions and Mr. Cunyngame prescribed for me.

1160. Did the clerk, Mr. Abbott, treat you badly, too? No; Mr. Abbott never treated me badly.

1161. Did you not keep a diary? I did, and I have it yet.

1162. And in that diary you kept an account of the doctor's visits, and the time he occupied in each visit? Yes.

1163. And an account generally of everything done in the institution—everything that interested you? Yes; anything I saw.

1164. Were you taken before the doctor pretty often? I was taken before the doctor on the 13th of October by Mrs. Cunyngame.

1165. What for? That I could not tell you.

1166. Were you not frequently taken before him for misconduct? Never. I never misconducted myself while I was in the place.

1167. Were you employed at the provision store in the asylum in Mrs. Cunyngame's time? No; but I was there for a short time after Mrs. Cunyngame left.

1168. You were dismissed for being drunk, I think? That is false; I resigned.

1169. Did you ever incite Burns, M'Enrick, and Shannon, to defy Mrs. Cunyngame? Never; Shannon was a cocktail, and was always on Mrs. Cunyngame's side.

1170. Do you know a man named Stirling? Yes.

1171. Have you seen him during the last eight or nine months, while this inquiry has been going on? I must have seen him.

1172. Have you had any conversation with him about this inquiry, and about the evidence you were going to give? Yes.

1173. Did he ask you what evidence you were going to give? He took it down.

1174. Why were you transferred from the George-street Asylum to the Macquarie-street Asylum? That I could not tell you. Dr. Maher took me.
1175. Was it for misconduct? Dr. Maher transferred me and twenty-five others to the Macquarie-street Asylum. He was going to make that his place of call for eye patients. There was no misconduct on my part. I bore a good character in George-street Asylum.
1176. Are you quite sure that you never refused to do any work Mrs. Cunynghame asked you to do in Macquarie-street? No; I did not.

Mr.
W. White.
3 June, 1890.

TUESDAY, 10 JUNE, 1890.

Present:—

MR. FRANK FARNELL, | MR. RITCHIE.
JOSEPH PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as Counsel for Mrs. Cunynghame.
Mr. T. M. Williamson appeared as Solicitor for Mr. Maxted.

Samuel Payne called in, sworn, and examined:—

1177. *Mr. Williamson.*] How long have you been an inmate of the Macquarie-street Asylum? Over two years. Mr. S. Payne.
10 June, 1890.
1178. Do you recollect the time when Mr. Maxted was appointed Director? I do.
1179. Do you recollect the time when Mrs. Cunynghame was dismissed? I do.
1180. Do you recollect Mr. Maxted coming up to where you were and finding some milk sour? Yes.
1181. And scolding Mrs. Cunynghame for it? I do.
1182. Do you recollect what he said to Mrs. Cunynghame? He asked her if she had been up in the wards for a few days. She said she had been up lately. I did not see her up for two or three days just at that time.
1183. At the time she told Mr. Maxted that she had been up lately, you say you had not seen her there for two or three days previously? I did not.
1184. Could she have been there without your seeing her? No. I was in bed most of the time, but I did not lie in bed in the day-time. I would always put my clothes on and sit up.
1185. So that if she had been in the wards within those couple of days when she told Mr. Maxted she was there you would have seen her? I would.
1186. After Mr. Maxted's appointment, and up to the time of Mrs. Cunynghame's dismissal, did you see her at any time visiting the hospital at night, or know of her doing so? No.
1187. She did not? No.
1188. *Mr. Bourke.*] Were you an inmate of the hospital at the time you speak of? Yes.
1189. In the daytime, when you used to get up, did you go out of the hospital at all? No.
1190. Never out into the yard? No.
1191. Used you to sleep during the day? No.
1192. Are you quite sure you never slept during the day? I might have done; I could not swear I did not.
1193. I suppose when you were sitting up you were sitting on the bed? Yes.
1194. *Mr. Frank Farnell.*] With regard to the milk of which you spoke, was it the patient who complained first? Yes.
1195. Did he make the remark to you or to Mr. Maxted? He made it to me first; I was lying in the next bed to him.

Richard Hosier called in, sworn, and examined:—

1196. *Mr. Williamson.*] You are an inmate of the Macquarie-street Asylum? Yes. Mr.
R. Hosier.
10 June, 1890.
1197. How long have you been in the institution? Over five years.
1198. Were you acting as gateman between the time of Mr. Maxted's appointment as Director and Mrs. Cunynghame's dismissal? Yes.
1199. Do you recollect a man named Gould? Yes.
1200. Do you know where his place was? No; I never was out there. He used to come from Mrs. Cunynghame's orchard, I believe, but where that was I could not say.
1201. After Mr. Maxted's appointment, do you know who used to take away the refuse and offal from the institution? Mr. Gould had it.

Robert Latimer called in, sworn, and examined:—

1202. *Mr. Williamson.*] You are Sub-Inspector of Police stationed at Parramatta? Yes. Mr.
R. Latimer.
10 June, 1890.
1203. And you have been here for some time? Going on for six years.
1204. Did the police ever manifest any disinclination to assist Mrs. Cunynghame during the time she was at the institution? On the contrary.
1205. If she has sworn that there was an inclination on the part of the police to oppose her, is that correct? It is not.
1206. I suppose you are in close proximity to the police-station at Parramatta? Yes.
1207. And if an emergency arises you are generally on the spot? Yes.
1208. Have you known the police to bring men to the institution who were drunk, and ask Mrs. Cunynghame to take them in? Never; I would not have allowed such a thing. I say without fear of contradiction that during the time I have been at Parramatta, over five and a half years, no person drunk, or under the influence of drink, has been sent here; and since Mr. Maxted has granted the concession to me of sending men whom I consider fit subjects for this institution, or the other, I have never abused it.
1209. So that there is no truth in the statement that you have sent drunken men here? Not a scintilla of truth. 1210.

Mr.
R. Latimer.

10 June, 1890.

1210. Have you ever authorized the police to watch about the place to see whether Mrs. Cunynghame took them in or not? Never.
1211. Did she ever write to you complaining of your persistent action in sending drunken men to the institution? Never.
1212. From the time of Mr. Maxted's appointment to Mrs. Cunynghame's dismissal, did she ever send you a letter in reference to any particular man? I have received memoranda in Peter Abbott's writing signed by Mrs. Cunynghame on several occasions.
1213. Do you recollect receiving this letter from Mrs. Cunynghame:—"Dear Sir,—I hereby give you notice, that James Ryall, who has been for a long time anxious to leave the institution, and in respect to whom you were kind enough to send the police to quiet, has to-day obtained the sanction of the Inspector of Public Charities to go. He is unable to look after himself, and I consider it right to inform you." Did you receive that letter from Mrs. Cunynghame? I do not believe I did. I have not the slightest recollection of it. Any letter I ever received from Mrs. Cunynghame was acted upon generally within five minutes after I received it.
1214. *Mr. Frank Farnell.*] It might have been received at your quarters while you were absent? The letters were generally sent to the Court-house.
1215. You might have been absent for a few days, and the letter might have been sent during your absence? I have never been absent for more than a day at a time since I have been at Parramatta.
1216. *Mr. Williamson.*] The letter being addressed to you, would anybody else take it upon himself to open it? If I were away Sergeant M'Garvy would open it.
1217. Would it be referred to you when you came back? Yes.
1218. Do you recollect the case of this man Ryall, and Sergeant M'Garvy being sent down in reference to a man who was on the footpath? Yes.
1219. Had you received any note in reference to that? I have no recollection.
1220. Did you ever receive a letter from Mrs. Cunynghame intimating to you that the man was, even with the aid of crutches, unable to walk? I cannot remember anything of it.
1221. If it had been sent to you I suppose you would have a recollection of it? I think so. Any communications received from Mrs. Cunynghame were always acted upon at once.
1222. *Mr. Frank Farnell.*] Do you file all your communications? No. These were memoranda written on 3 or 4 inches of paper, and as soon as the matters were attended to they were destroyed.
1223. So that, if the Committee desired you to make a search, it is possible that you would not be able to find these letters on your file? I do not think I have ever kept a letter received from Mrs. Cunynghame since I have been in Parramatta.
1224. *Mr. Williamson.*] You know the policemen who were called as witnesses at this inquiry the other day—Munro, M'Garvy, Lewis, and Jenner? Yes.
1225. Had they always instructions to assist Mrs. Cunynghame whenever there was any necessity? Always.
1226. And never manifested any opposition whatever? Not the slightest; I would not have allowed it.
1227. Did Mrs. Cunynghame ever make a complaint at any time with reference to opposition on the part of the police? Never. I brought this matter under the notice of Mr. Maxted with a view to my obtaining authority to send old men to this institution instead of sending them to gaol—men picked up in the streets who were not fit subjects for gaol, and who could not properly be called vagrants. We had to send such men to gaol because Mrs. Cunynghame would not take them in.
1228. *Mr. Bourke.*] Do you know whether Mrs. Cunynghame had authority to take people into the institution who were presented by the police? I do not; but I know that Mrs. Dennis took them in from us, and that Mrs. Cunynghame refused.
1229. It was a matter of discretion, I suppose, in Mrs. Dennis' case? Yes. She might have refused her sanction, the same as Mrs. Cunynghame did, if she had thought proper to do so.
1230. Do you know if men who went to the institution generally had orders to go there? Yes.
1231. This letter was written to you by Mrs. Cunynghame:—"Dear Sir,—Since my interview with Sergeant M'Garvy I had a communication from Dr. Violette, who says that James Ryall cannot be readmitted, being so calculated to bring about a breach of discipline." Was not that letter received by you after you had seen Ryall, and found that he was an unfit person to go out of the institution? I cannot remember.
1232. Do you remember Ryall at all? I have a very faint recollection of him.
1233. Tell us what you recollect about him? I remember Sergeant M'Garvy coming down, and telling me that he had found this man on the footpath, and he came back and told me that Mrs. Cunynghame had refused to take him in, and he felt rather indignant at the treatment he received from Mrs. Cunynghame. That is about as much as I can remember of the matter.
1234. She refused to take him in? Yes.
1235. But is not this the man whom you sent Sergeant M'Garvy and someone else to take away from the institution? I do not remember sending Sergeant M'Garvy.
1236. But he went? He went.
1237. Then, as a matter of fact, you know very little about this man? I know very little about him.
1238. It is in evidence that Mrs. Cunynghame wrote to you to send for this man, and that he was put outside the gates, and some time afterwards some policemen came to take him away;—you know nothing about that I suppose? My recollection does not serve me.
1239. You did not send them? I cannot say whether I did or not.
1240. If, in your absence, a letter was received asking you to send someone to take away this man, the sergeant in charge would act on receiving it? Yes.
1241. As you did not send these men, the sergeant must have sent them? He must have done so.
1242. And I suppose he would not have sent them without some communication from somebody? I do not know, I am sure. I do not know upon what he acted. I remember his telling me of it afterwards.
1243. If somebody went there to take Ryall away they must have gone acting on someone's instructions? They might not; they might hear of it, or might drop across him themselves in the street. When I am engaged on other matters the sergeant generally attends to matters of this sort.
1244. Then, in your absence, the sergeant would attend to this, and if any letter or memorandum was sent he would receive it and open it? Yes.
1245. In that case you would know nothing about it? No, except what he told me afterwards.

1246. *Mr. Williamson.*] If M'Garvy has sworn that he never opened such a letter, you would be the only person to open it? Yes. With regard to the statement that the police have been in the habit of sending drunken men to the institution I desire to say that none have been sent here since I have been in Parramatta. There would be no object in doing so, because there are two men in charge of the lock-up, one for the night and one for the day, and it is immaterial to them whether there is only one drunken man in the cells or fifty.

*Mr.
R. Latimer.*
10 June, 1890.

Samuel Fox called in, sworn, and examined:—

1247. *Mr. Williamson.*] You are an inmate of the Macquarie-street Asylum? Yes.

1248. How long have you been here? I first came here last July twelve months, in the beginning of the month.

Mr. S. Fox.
10 June, 1890.

1249. Were you here when Mr. Maxted was appointed, and until Mrs. Cunynghame was dismissed? Yes.

1250. In what part of the institution did you sleep? In No. 5 dormitory.

1251. You were one of Dr. Maher's ophthalmic patients, sent from the George-street Asylum? Yes.

1252. When Mr. Maxted was appointed, were the patients allowed to talk at night in your dormitory? The order was that we were not allowed to talk after half-past 5 o'clock.

1253. Under what penalty? Our tobacco would be stopped. Afterwards we were allowed to talk until 8 o'clock.

1254. Did you know Mrs. Cunynghame to visit the ward at night-time? No; I do not think Mrs. Cunynghame used to visit it at night-time.

1255. You never saw her visit your ward at night-time? No; the head wardsman used to do that.

1256. *Mr. Bourke.*] Do you know whether any one's tobacco was stopped through talking at night? I am not sure that I do know.

1257. Was your tobacco ever stopped? No.

1258. And you cannot remember the name of any one whose tobacco was stopped? No.

1259. Do you remember if any of the men used to argue or make a noise? No; I do not think so. It was ordinary conversation one with another.

1260. Do you remember whether any of the men objected to being disturbed at night through the others talking? No; it was all in a social way. I remember one night a man coming in a bit tipsy and upsetting the ward a bit; but as a rule the conversation was orderly.

1261. But occasionally? No; I do not know of anyone having complained about too much talking. They all seemed to enjoy the liberty that was given to them to talk in a reasonable way one to the other.

1262. Were you ever told that you might talk in a low voice, but must not argue or make a noise? That might possibly have been said, and naturally so.

1263. You said there was an order that about half-past 5 o'clock, or a little later, when you went into the dormitory, you were not to speak;—can you recollect whether that order was, that you were not to speak at all, or that you were only to speak in a low voice? That was three or four nights afterwards.

1264. Tell us about that? The second or third night after we were transferred from the George-street Asylum we complained about being shut up without being allowed to speak, and Mr. Abbott, the clerk, came down, and said he had been instructed by Mrs. Cunynghame to say that we might speak to each other from our beds, but that did not mean singing out from end of the ward to the other, arguing the point, or anything of that kind.

1265. The objection then on the part of Mrs. Cunynghame was, that some of the men were in the habit of arguing? No, not arguing; ordinary conversation was not allowed.

1266. Then the order was, that you were not to argue, but that you might speak in a low voice to each other in beds next to one another? I do not understand what you mean by arguing, because two men may speak to each other without arguing.

1267. Was Mrs. Cunynghame ever unkind to you during the time she was in the institution? I never spoke to Mrs. Cunynghame but twice while she was there.

1268. Can you say, of your own knowledge, whether Mrs. Cunynghame was harsh to the men? No; I cannot say that I ever heard her say anything very harsh to anyone, except on the occasion when Charlie Burns was on the grass.

1269. You mean she did not treat him very well? Yes, that is what I mean.

1270. But you do not know of any case that you saw yourself? That is the only case that I know of.

1271. The only case you ever heard of? That I do not know; but it is the only case I know of.

1272. *Mr. Williamson.*] Do you know anything about a man named M'Cauley? I do not recollect the name.

George King called in, sworn, and examined:—

1273. *Mr. Williamson.*] You are an inmate of the Macquarie-street Asylum? I am.

1274. How long have you been here? Between five and six years.

1275. Were you here from the time of Mr. Maxted's appointment up to the time of Mrs. Cunynghame's dismissal? Yes.

*Mr.
G. King.*
10 June, 1890.

1276. Have you been confined in any of the hospitals belonging to the institution for any length of time? I have been in the hospital now some eighteen months.

1277. After Mr. Maxted's appointment and up to the time of Mrs. Cunynghame's dismissal was Mrs. Cunynghame in the habit of visiting the hospital at night-time? I do not remember her visiting it at night.

1278. Would you have seen her if she had done so? Yes; I could not help doing so. I have good eyesight.

1279. Used she to go very often during the week in the day-time? Occasionally.

1280. Once every two or three days? Sometimes she might go for two days and perhaps miss for a day or two.

1281. Do you know the grass lawn at the back of the institution? I do.

1282. Up to the time when Burns was sent to the refractory ward were you allowed to use that green? Never, except on feast days, and on one occasion, nearly two years ago, when the head wardsman wanted to know if any of us would like to go on the grass, as Mrs. Cunynghame had a man coming in with a photographic apparatus.

1283.

Mr.
G. King.
10 June, 1890.

1283. You were not allowed to use the grass? No; we did not dare to put a foot on it.
1284. What was the penalty if you did? We used to be told that we would get our tobacco stopped, and for a second offence get turned out.
1285. Was the grass used by horses and cattle? Yes; horses used to be on it, and children used to play on it.
1286. And the only walk the men had was the walk along the shed? That was the only walk.
1287. There was no other place beside that unless you went to the fowl-yard and the vegetable garden? We were not allowed to go down that way at all.
1288. You have had an opportunity of seeing Mrs. Cunynghame's conduct towards the inmates;—what was her general conduct towards them? I have known Mrs. Cunynghame at certain times to speak in a sympathising way to the old men when visitors were here. She used to parade the visitors round the yard, and call us "dear old men." I think that when the visitors went out of the gate her sympathy went too.
1289. Was she harsh to the men? She was, and used to rule the place with tyranny.
1290. From what you saw she was tyrannical? She was.
1291. *Mr. Bourke.*] You say that Mrs. Cunynghame was tyrannical and very harsh? Yes.
1292. Was she so to you? I cannot say she was personally cruel to me.
1293. Can you give us an instance of harshness or tyranny towards anyone else? I think that is an instance when she put the poor blind man into the cell for sitting on the grass.
1294. Did you see him put into the cell? Yes; I was not a dozen yards away.
1295. What was his name? Burns.
1296. You think that was an act of great harshness and cruelty? I do.
1297. Tell us some other instances? I have seen plenty, but I have never made notes of them.
1298. Your memory not being very good, and your not having taken any notes; you do not remember any other case of great harshness besides that of Burns? I have seen plenty of it.
1299. But that is the only one you remember? I did not take any notes of them.
1300. You say that the first time a man went on the lawn his tobacco was to be stopped? Yes.
1301. Did you ever go on the lawn yourself and have your tobacco stopped? No; I knew the order was that we were not to go on the lawn, and I did not break the rule.
1302. Do you know of any man whose tobacco was stopped through going on the lawn? There were several.
1303. Tell us their names? The men have all gone away; it happened a very long time ago.
1304. I only want you to speak of anything which happened after Mr. Maxted was appointed? After Mr. Maxted was appointed I do not think that any man had his tobacco stopped.
1305. At any rate, you do not remember any man whose tobacco was stopped through going on the grass? I know there were some cases, but I cannot remember the names of the men, as it was a long time ago.
1306. Did you ever hear Mrs. Cunynghame herself tell anyone not to go on the grass? I have heard her come down the yard and tell us when the feast was on that we could go on the grass that day.
1307. Did you ever hear her tell anyone not to go on the grass? Not personally, I do not think I did.
1308. You say that for the second offence they were turned out of the institution? That was what we were threatened with.
1309. Who threatened you? The head wardman.
1310. Did you ever know of anyone who was turned out of the institution for going on the grass? No.
1311. And did you ever hear Mrs. Cunynghame say they would be turned out for going on the grass? Not herself; but I have heard orders given to that effect.
1312. As Mrs. Cunynghame was always so tyrannical, I suppose you saw a good deal of her, and that she was constantly there I suppose, that she was about the place every day hunting you fellows up? When I came to the institution first you would not see her sometimes for two or three months.
1313. After Mr. Maxted was appointed, was Mrs. Cunynghame there every day looking after you people, and tyrannising over you? In Mr. Maxted's time, she generally made it a rule to go round the ward every morning. I have seen her walk round the ward once a day in the morning.
1314. Did you see anything more of her after that? Very seldom.
1315. And how was it she exercised this great tyranny? As a rule you would not see her more than one morning in the week.
1316. During the rest of the day would you see her anywhere about the place? She might be about the place; I was down the yard at the time.
1317. When you were in the yard she might have been in the hospital? Yes.
1318. Or in the office? Yes; she might have been round here; of course I was only a few weeks in the hospital at the time Mrs. Cunynghame was here.
1319. Were you in the hospital after Mr. Maxted was appointed? Yes; I suppose about four or five weeks before Mrs. Cunynghame left.
1320. You have said that Mrs. Cunynghame did not go round the hospital at night? Not at night.
1321. I suppose you slept at night sometimes, and you cannot say whether or not Mrs. Cunynghame went in while you were asleep? I do not believe she did; I never saw her.
1322. When you were asleep, do you know whether she did or not? I do not believe she came round.
1323. *Mr. Ritchie.*] Would you usually go to sleep at night? When I first went to the hospital I used to sit up nearly all night.
1324. If you were awake for a considerable portion of the night, could you have heard or seen Mrs. Cunynghame in the ward? I could.
1325. *Mr. Williamson.*] Was any fault ever found by Mrs. Cunynghame with regard to the way in which you carried out your duties? I never had one complaint, and I never committed myself all the time Mrs. Cunynghame was here.
1326. When there were no visitors present would Mrs. Cunynghame ever manifest any sympathy whatever with the inmates? No; I never saw it—not genuine sympathy.
1327. Did you ever hear her say a kind word to them? She might, in front of visitors.
1328. But when there were no visitors did you ever hear her say a kind word to them? I do not believe I ever did.
1329. *Mr. Ritchie.*] Did you ever hear her say an unkind word to them? When she spoke to the men she never spoke with kindness.

1330. *Mr. Bourke.*] Can you tell us any harsh expressions she used to the old men? I have heard her many a time, but I cannot remember now; I made no notes.
1331. *Mr. Ritchie.*] How do you draw your conclusion as to Mrs. Cunynghame manifesting harshness? Because I have heard it myself, but I could not tell the date when it occurred.
1332. Have you ever had any cross words with Mrs. Cunynghame? No; I never spoke to Mrs. Cunynghame not two dozen times all the time she was there.
1333. Did she ever exercise any harshness to you in ordering you about, or anything of that kind? No, because I always obeyed the rules of the institution.
1334. *Mr. Frank Farnell.*] Did you gather that Mrs. Cunynghame was harsh from the actual words used or from the manner in which they were spoken? I know that if she was not speaking harshly she was not speaking kindly.
1335. What would you think Mrs. Cunynghame, or anyone in her position, should do? The same as the present matron does—speak kind words, and sympathise. When the present matron goes down to the hospital, if a poor man is sick she will go to him and sympathise with him, and ask him if there is any little thing she can get, and she sends little things from her own table to him.
1336. Do you know of your own knowledge whether or not Mrs. Cunynghame did that? I never saw anything of it at all.
1337. As far as you are concerned? No.
1338. She never did that to other patients? I never heard of it. I never saw anything brought into them by Mrs. Cunynghame.

Mr.
G. King.
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George Cunynghame called in, sworn, and examined:—

1339. *Mr. Bourke.*] You are a member of the Pharmaceutical Society? Yes.
1340. And Government Dispenser for the district of Parramatta? Yes.
1341. I think you were at one time Chief Dispenser at the Sydney Hospital? Yes, for a number of years.
1342. How long have you been dispenser at Parramatta? About seven and a half years.
1343. During the time that Mrs. Cunynghame was matron of the Macquarie-street Asylum, and during Mr. Maxted's period of office, were you in the habit of assisting her? Not so much at that time. I used to be about the place.
1344. But did you assist her at all? Yes; I assisted her in every possible way.
1345. I suppose you had authority to assist Mrs. Cunynghame, and you did so? Yes; I was recognized by both Mr. Rossiter and Mr. King.
1346. Will you say what you did in the way of assisting Mrs. Cunynghame—say during Mr. Maxted's term of office? Anything that was required in the hospital wards. I was in and out.
1347. During the day? Yes.
1348. How often? Not so often after Mr. Maxted's appointment.
1349. How often did you come to the institution? I was here every day dispensing.
1350. Between what hours? I generally do a little of the work in the morning, and a little in the afternoon or evening.
1351. But I am speaking of what you used to do when Mrs. Cunynghame was here? I did the dispensing, and if any patients in the ward were sick I would go to them.
1352. In absence of the doctor, if anyone wanted attending to you would go to the hospital and look after them? They would generally refer to me.
1353. I suppose you remember a man named Burns being in the institution? Yes.
1354. Do you remember anything taking place between him and Mr. Rossiter? Yes. One evening Mr. Rossiter came here, and Burns was making a disturbance in the dormitory, and Mr. Rossiter had to go to the ward and caution him.
1355. Do you remember what sort of a man Burns was? He was always making a disturbance.
1356. When any of the inmates wanted to see the doctor who took their names? An inmate attendant, named Crawley, used generally to go round in the morning and take down the names in a book.
1357. There has been a good deal said about an isolation ward;—do you know anything about that ward? Yes.
1358. Do you know on whose authority it was instituted? On the authority of Dr. Violette, under whose supervision it was built. Dr. Violette himself went with a carpenter who was here and gave directions as to how it should be constructed.
1359. On whose authority were persons placed in that isolation ward? On the authority of Dr. Violette generally.
1360. Do you know whether tobacco was allowed in the hospital wards before Mr. Maxted was appointed? Never, except on the order of the doctor.
1361. Did Dr. Violette ever make any complaint to you about Mrs. Cunynghame's inattention to duty? No, never.
1362. After Mrs. Cunynghame was suspended, did Dr. Violette ever say anything to you on the subject? I saw Dr. Violette the morning after my wife was suspended. I saw him at the gate, and I said, "Doctor, I suppose you have seen what has occurred," and he said, "I was quite surprised, Cunynghame."
1363. *Mr. Ritchie.*] Is that all he said? Yes; he said he was quite surprised.
1364. *Mr. Bourke.*] Were you in the habit of going round the institution for Mrs. Cunynghame when she was ill? Yes, at all times.
1365. After Mr. Maxted was appointed, did you assist Mrs. Cunynghame? I assisted Mrs. Cunynghame, but not as actively as before, when I used to go round every morning.
1366. Before Mr. Maxted was appointed, you were in the habit of going right through the institution every morning for Mrs. Cunynghame? Yes.
1367. *Mr. Ritchie.*] Was that part of your duty? No; I was not expected to do that.
1368. But you did it on behalf of your wife? Yes, to assist my wife.
1369. *Mr. Bourke.*] During your visit, did the men seem satisfied with the attention they had been in the habit of receiving from your wife? Yes. They never made any complaint to me.
1370. Never complained of any harsh treatment or harsh expressions from Mrs. Cunynghame? Never.
1371. I suppose if they had you would have brought the matter under the notice of Mrs. Cunynghame? Yes; I should have spoken to her.

Mr. G.
Cunynghame.
10 June, 1890.

- Mr. G. Cunynghame.
10 June, 1890.
1372. *Mr. Ritchie.*] Is there much alteration in the management of the institution since Mrs. Cunynghame left? I could not express an opinion, because, since my wife left, my practice has been to simply go in at the gate and do my dispensing, and leave again. I do not think I have been into the ward more than once, and then only to draw a man's tooth.
1373. *Mr. Frank Farnell.*] Have you ever had to dispense for men suffering from the influence of alcohol? Yes.
1374. Do you know where those men came from originally? I could not say.
1375. You do not know how they found their way into the institution? No; I only deal with the prescriptions as they come before me from the doctor.
1376. *Mr. Ritchie.*] And all you do now in the institution is to dispense the prescriptions? All I do at the present time, and since my wife's suspension, is to come here, do the medicines, and anything the doctor might order I should do in my capacity as dispenser;—that is to say, draw a tooth, or anything of that sort.
1377. *Mr. Bourke.*] I suppose that you and the hospital attendants would consider yourselves as more immediately under the doctor's orders? Yes; the doctor is the head of my department.
1378. Did you notice, after Mr. Maxted's appointment, any change in the demeanour of the paid attendants? Yes, I did.
1379. In what way? On one occasion one of the attendants insulted me grossly in the dispensary.
1380. Did you notice any change towards Mrs. Cunynghame? Well, they did not seem to work with that harmony that they should have done.
1381. The men were not so obedient, is that what you mean? Yes.
1382. *Mr. Williamson.*] Did you ever ask Dr. Violette to intercede with your wife, and ask her not to be so harsh with the men? Never.
1383. If Dr. Violette has sworn that I suppose it is perfectly untrue? Yes, it is perfectly untrue.
1384. I suppose you and Dr. Violette are the best of friends at the present time? Yes, we are friendly.
1385. And up to the time when Dr. Violette gave his evidence before the Committee there was no enmity between you and him? No.
1386. And this statement of his, that you asked him to ask Mrs. Cunynghame not to be so harsh with the men, is simply a fabrication on his part? I never asked him to ask Mrs. Cunynghame not to be harsh to those people.
1387. Then, if he swears that you did, it is a fabrication? It is not the truth.
1388. Do you recollect having a conversation with Mr. Maxted in the store-room? In the dispensary.
1389. Did you not ask Mr. Maxted to ask Mrs. Cunynghame not to be so hard with the men who had given evidence before the Royal Commission? I did not.
1390. You deny any conversation of that kind? Yes; I deny that. Sometimes during Mr. Maxted's time a chemist named Mr. Brackenrigg used to come here and take stock of the drugs, and he came here on one occasion for this purpose; and that was the only time I saw Mr. Maxted in the dispensary.
1391. But I am referring to the time when you spoke to him in the store-room? I never spoke to Mr. Maxted in the store-room.
1392. The store-room off the office? No; it was in the dispensary.
1393. Then, as a matter of fact, it was a fabrication also on Mr. Maxted's part when he said that you asked him to intercede with Mrs. Cunynghame, so that she should not be too hard on those who gave evidence before the Royal Commission? I never mentioned it.
1394. There was no conversation of that kind at all? No.
1395. Do you recollect having a conversation with Mr. Maxted when you told him that you would do no more quackery in the institution? I only spoke to Mr. Maxted once, and that was in the dispensary, in reference to taking stock of the drugs. I may have wished him "Good morning" on other occasions.
1396. Do you recollect having that conversation with him, when you said you would do no more quackery in the institution? I never mentioned the thing to him.
1397. Do you recollect Mr. Maxted speaking to you about your giving medicine to the patients without the doctor's orders, and asking you not to do so? No, I do not.
1398. Why did you fall off, after Mr. Maxted's appointment, in visiting the different wards in the hospital? I did not take the same active part that I did before.
1399. Why? There were the two paid wardsmen.
1400. Were they not there before? Yes.
1401. Can you give us any explanation of why you did not go to the wards after Mr. Maxted was appointed? I did not wish to go. There was an alteration in the management.
1402. *Mr. Ritchie.*] Did not your wife require your assistance then as much as she did previously? Under the new management I did not care about interfering.
1403. *Mr. Williamson.*] You say that the wardsmen were under the doctor? They are under the doctor.
1404. Do you not know, as a matter of fact, that Mr. Maxted has dismissed some of them for neglect of duty? I do not know that.
1405. Do you not know that he has dismissed officials that you say are under the doctor? I do not know that.
1406. You say that the isolation ward is under the control of the doctor;—do you recollect the case of Burns? I do.
1407. Will you tell the Committee how it was that Mrs. Cunynghame put Burns into the isolation ward before she saw the doctor? He was on the grass.
1408. Were the inmates not allowed to go on the grass? There was no order to prevent them.
1409. Were not direct orders given to the attendants, including Hanson, to the effect that the inmates were not to be allowed to go on the grass? I gave them no orders.
1410. Do you know as a matter of fact that the order existed? There was no order.
1411. Then what prevented the men from going on the grass? I cannot tell.
1412. Did you ever see any man on the grass besides Burns? I have seen men crossing the grass.
1413. Do you know what was done to them if they crossed the grass? No.
1414. Do you know as a matter of fact that a horse and a cow used to run on the grass? They used to run on the grass occasionally.
1415. If Hanson has sworn that instructions were given to prevent the men from going on the grass you are not prepared to contradict that? I do not know what orders were given.

LATE SUPERINTENDENT OF MACQUARIE-STREET ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA.

1416. Do you know whether your wife used to go through the hospital at night-time after Mr. Maxted's appointment? No, I do not know that she used to go through the hospital wards at night-time.
1417. Do you recollect having your attention called by Mr. Maxted to a part of the report of the Royal Commission, where it states that you were a most unreliable witness, and that your services should not be retained? No; Mr. Maxted never mentioned the report to me.
1418. You have read the report? Yes.
1419. Did you see that statement in it? Yes; with regard to the statement as to my evidence being unreliable, I wish to explain that Dr. Thompson, one of the members of the Royal Commission, dwelt very much on the fact of certain death certificates having been signed with a stamp. The book was in use, and frequently there were half a dozen cards of deceased inmates in cases where certificates of death were wanted. Dr. Rolling used to come into the room very frequently. I would do it at his dictation, but always by his directions from the cards. Dr. Thompson doubted me on that point, and that is why he said I was unreliable.
1420. *Mr. Bourke.*] How many times did you speak to Mr. Maxted altogether between the time of his appointment and the date of your wife's dismissal? I spoke to Mr. Maxted in the dispensary, and then I went out into the office, and he shook hands and spoke to me.
1421. Are those the only two occasions on which you spoke to Mr. Maxted during the period referred to? Yes.
1422. And if he says you spoke to him on other occasions it is not true? No; it is not true.
1423. And said what has been said here to-day? No; it is a lie.
1424. *Mr. Williamson.*] You say you only spoke to Mr. Maxted twice—once in the dispensary, and once in the office? Those were the only occasions on which I spoke to him in the institution.
1425. Do you recollect speaking to him in the George-street Asylum? No.
1426. How do you come to say that you only spoke to him twice? I have seen Mr. Maxted frequently.
1427. I ask you if you have not spoken to him in the George-street Asylum? I might have said "Good-day."
1428. Have you not said anything more than that? Not that I am aware of.
1429. Are you prepared to swear that you have not spoken to him more than twice? Yes. I only remember the two occasions. I might have wished him "Good-day" at other times, but I had no conversation with him.
1430. You swear that? Yes.
1431. Will you swear that you did not speak to him at the George-street Asylum? I had no conversation with him.
1432. Will you swear that between the time when Mr. Maxted was appointed, and when your wife was dismissed, you did not have a conversation with Mr. Maxted in the George-street Asylum? I do not remember any conversation.
1433. Will you swear you did not? I do not remember any conversation.
1434. Are you prepared to swear that you did not speak to Mr. Maxted more than twice? I only spoke to Mr. Maxted, that I can remember, on the two occasions.
1435. *Mr. Ritchie.*] During the time between Mr. Maxted's appointment and your wife's dismissal, did you suspect that things were going wrong between Mr. Maxted and Mrs. Cunynghame? Well, I did not hold the same opinion of Mr. Maxted that my wife did. She was very friendly with him. I had nothing whatever to do with him.
1436. Did you not think that Mrs. Cunynghame's management of the institution was satisfactory to Mr. Maxted? I thought so.
1437. There was nothing in those two conversations which you had with Mr. Maxted that led you to believe that anything was wrong? The conversation I had in the dispensary was about the drugs and Mr. Brackenrigg.
1438. And had nothing to do with your wife's management? No.
1439. *Mr. Bourke.*] I suppose you yourself were not very friendly with Mr. Maxted? I never took any notice.
1440. You were not on such terms with Mr. Maxted as that you would speak with him about your wife in the way he has said here? No; I wished him good-day, and that sort of thing.
1441. *Mr. Frank Farnell.*] Was it ever brought to your notice that the supplies, such as meat, were of an inferior character? The meat was bad at times.
1442. Do you know whether anybody came here to interview Mrs. Cunynghame with regard to the supplies of meat? I cannot speak with confidence in the matter.
1443. Who was the contractor? Mr. Dunn.
1444. Did you ever hear any of the inmates complain of inferior food being supplied? No; there were not many complaints; sometimes you would hear a complaint from them.
1445. *Mr. Williamson.*] Do you recollect seeing a letter which was written by your wife to this effect:—"I should like to point out that immediately upon the appointment of Mr. Maxted to the position of Director of Government Asylums he appears to have made a dead set upon me"? That was no action of mine.
1446. She never told you that Mr. Maxted from the start had made a dead set against her? No; she never said so.

Francis Dyer called in, sworn, and examined:—

1447. *Mr. Bourke.*] You were formerly an inmate of this institution? Yes; for eight or nine years.
1448. And you were here from the time of Mr. Maxted's appointment until Mrs. Cunynghame was dismissed? Yes, and afterwards.
1449. And you used to assist, I think, in the working of the institution? I held most of the situations in the institution, such as that of head wardsman before and after Mrs. Cunynghame's dismissal. I had charge of the kitchen, and I worked about the yard at different occupations, such as carpentering, painting, and so forth, and did general work in the institution.
1450. Do you remember a man named Cummings being cook? I do.
1451. When he was cook in Mrs. Cunynghame's private kitchen, do you remember where the comforts for the hospital patients were kept? Yes; I had charge of the hospital medical comforts, such as beef tea, rice and milk, and gruel.

Mr. G.
Cunynghame.
10 June, 1890.

Mr. F. Dyer.
10 June, 1890.

- Mr. F. Dyer. 1452. Where were they cooked? In Mrs. Cunynghame's private kitchen by Cummings. I used to give my orders as to how many were required, and how many were knocked off.
- 10 June, 1890. 1453. Was all that kind of work done in Mrs. Cunynghame's private kitchen? It was for some time.
1454. After Mr. Maxted's appointment, who used to receive the stores, groceries, and butcher's meat? The clerk, Peter Abbott.
1455. Did anyone else receive them? Not while I had charge of the kitchen.
1456. After they were received by the clerk, would they be inspected by anyone? The clerk received them, and Mrs. Cunynghame or Mr. Cunynghame passed them before they were touched. The process was this:—When the meat came in the morning, the men in the kitchen would go to the cart and assist the man to bring it in. It was put on the stillyards, and I stood alongside and took the weight in the presence of the clerk, and the clerk put it down in a small red book saying, "Yes, the weight is all right." After that it was put on the table. We had our breakfast. In the meantime Mr. or Mrs. Cunynghame would come down, pass the meat, and give orders as to what we were to do with it; sometimes there were to be joints, at other times a stew.
1457. It was passed before it was used? Yes; before it was touched, after it came off the stillyards.
1458. Then none of the stores would be used in the institution until they had been passed by either Mr. or Mrs. Cunynghame? Certainly not.
1459. After Mrs. Cunynghame's dismissal did the clerk Peter Abbott always receive the stores? He generally received them.
1460. Did anyone inspect them before they were used? Yes; Mrs. Brooke inspected them.
1461. Pretty well the same course was pursued as before Mrs. Cunynghame's dismissal? Yes.
1462. Do you know any cases in which Mrs. Cunynghame was harsh with the inmates of the institution? No; I do not.
1463. You were here every day I suppose? All the time I was in the institution I was about the asylum one place and another. When I was head wardman it was my duty to go round the institution.
1464. Did you see Mrs. Cunynghame here every day? Yes; unless she was sick.
1465. I suppose her sicknesses were not frequent? No.
1466. And when she was not sick she would be here on the premises? Certainly.
1467. And when she was well you would see her every day about the place? Yes; more or less.
1468. In all parts? Yes; she used to go round and inspect the wards.
1469. Would you see her doing that? Yes.
1470. And you do not know of any case of harshness? No; I do not. She might speak a bit rough when occasion required it.
1471. Were the men difficult to manage? There were three or four who were difficult.
1472. Who were they? There was a body of them who came from the George-street Asylum, and there were three or four agitators amongst them. White was one, Shannon was another, Burns was another, and M'Enrick was another. We used to call them in the yard "the agitators."
1473. *Mr. Frank Farnell.*] Was that the White who was examined before the Committee? It was William White, a man with bad eyes.
1474. *Mr. Bourke.*] You were an assistant in the institution, and you say that Mrs. Cunynghame was always here, and always about the place, and that you know of no instance of harshness? Yes.
1475. And what was her behaviour to you personally? Personally, she was always very good to the inmates.
1476. Give us your own experience? She always treated me in a straightforward manner.
1477. What was her behaviour towards you personally during Mr. Maxted's time? She treated me very well, as she treated the other inmates. I have no complaint to make about the treatment I received.
1478. After Mr. Maxted was appointed there was some change made in the diet? Yes.
1479. Did you assist Mrs. Cunynghame in bringing about that alteration? I did.
1480. Was Mrs. Cunynghame anxious to bring about this new arrangement? Yes. There were certain boxes put up in the mess-room to receive the crockery and so forth, and I worked all night with one or two others to do them.
1481. The fact is you men worked very hard to bring about this new arrangement? We did.
1482. Under Mrs. Cunynghame's supervision, and by her instructions? Yes.
1483. *Mr. Williamson.*] You left the institution for the purpose of commencing business for yourself, did you not? I did.
1484. And you told Mr. Maxted so? Yes.
1485. As a matter of fact you are living with Mrs. Cunynghame at the present time? I am.
1486. And you have been living with Mrs. Cunynghame ever since you left the institution? Yes.
1487. After Mrs. Cunynghame left, and you went to live with her, did you come back to the institution? I did.
1488. How long did you remain here? I remained here, I believe, from the middle of February to the 2nd of July.
1489. Did you leave here and then go back to Mrs. Cunynghame? I did. It was a pre-arrangement.
1490. What was the pre-arrangement? It was the time when Mrs. Cunynghame asked for a cook, and Mr. Maxted said she was to have a paid cook. Mrs. Cunynghame asked me if I would mind stopping another month, and I did so. In the meantime Mrs. Cunynghame got dismissed. I think it was on a Friday, the 21st or 22nd of November, 1888. I went into the office in the afternoon for my discharge, and Mrs. Brooke said I would have to see Mr. Maxted, Mr. Maxted came in the afternoon and sent for me. I was dressing to go out. He said, "You should never have been admitted into this institution." I said, "Why?" He said, "A strong healthy man like you ought to be able to get your own living." I said, "All right, Mr. Maxted," and I said, "What about my money?" He said, "You can call at the office in the morning—Saturday morning—for your money." It was a matter of 4s.; my wages were 4d. a day in the kitchen. I said, "Mr. Maxted, can I go?" and he said, "You cannot go until the morning; you will have to see the doctor first." In the morning I went before the doctor, who said, "Where are you going?" I said, "I am going to my friends, to my brother in Sydney"; and if you turn up the doctor's book of the 22nd of November you will see this entry by the doctor—"If it is true about Dyer going to his friends, let him go."
1491. How did the doctor know that if he did not get it from Mrs. Brooke or Mr. Maxted? I came back in February—about the middle of March I was sent for to take the head wardmanship.

1492. What about the pre-arrangement;—was it made between you and Mrs. Cunynghame? I was asked to go out with her. This was before the inquiry was commenced and before Mrs. Cunynghame was dismissed. Mr. F. Dyer.
10 June, 1890.
1493. By whom were you asked to go out? By Mr. Cunynghame.
1494. To look after what? To look after the orchard.
1495. At the time you were leaving here did you not know you were going to Mrs. Cunynghame's? Certainly.
1496. Did you tell Mr. Maxted that you were going away for the purpose of going into partnership with a painter? I did.
1497. Had you any such intention? Yes; I intended to go into partnership with my brother.
1498. Did you not say a moment ago that when you were going out you knew you were going to Mrs. Cunynghame's? Certainly, I did; but while I was in Sydney, between November and February, living with my brother, he asked me to go down with him, and I told him I would see about it.
1499. As a matter of fact, have you not been working up the case for Mrs. Cunynghame? I have not; I have not been an agent at all for her.
1500. Have you not been trying to get witnesses for her? No.
1501. What are you doing at Mrs. Cunynghame's now? I am working as a garden labourer.
1502. If you were going into partnership with your brother, why did you leave your brother and go back to the institution? Because I took bad. I am subject to an internal complaint.
1503. Was it not pre-arranged between you and Mrs. Cunynghame that you were to come back and see how things were going on in the institution, so as to enable you to give evidence before the inquiry? No; but I was called a spy after I left.
1504. Who called you a spy? Mr. Maxted. I have witnesses to prove it.
1505. You say that after Mr. Maxted's appointment Peter Abbott was to receive the groceries? Yes.
1506. How long would it be after they were received by Peter Abbott that they would be seen by Mrs. Cunynghame? Sometimes 5 minutes; sometimes 10.
1507. As a matter of fact, were not certain things—groceries—sent in, and she never saw them at all? She did see them.
1508. Witnesses have sworn that she did not see them? I am talking about while I was in the kitchen.
1509. When were you in the kitchen? Four or five months.
1510. During the whole of the time after Mr. Maxted's appointment? Yes.
1511. Do you recollect Mr. Maxted going to the kitchen after his appointment, and interfering with a man who had a large piece of meat? Yes.
1512. What did Mr. Maxted say? He spoke to me. He asked me if that was the general way that meat was taken away from the kitchen, and I said "No," which it was not.
1513. Did he weigh it? He weighed it afterwards.
1514. What did it weigh? I could not tell you exactly.
1515. Do you swear that since her appointment Mrs. Brooke has ever been absent when the goods came in? I do not say she was never absent.
1516. Did you not say a moment ago that Peter Abbott always received the goods? Certainly.
1517. When Abbott was receiving the goods was Mrs. Brooke present? Not always.
1518. Do you swear that? I do.
1519. Will you swear that she was not present on every occasion? She was not present on every occasion. I can swear that on my oath; and I was only there a matter of a week or ten days in Mrs. Brookes' time.
1520. Do you swear that during that week or ten days she did not every morning receive the goods? No, not every morning.
1521. Was Mrs. Cunynghame in the habit of visiting the wards at night-time? Not unless occasion required.
1522. When Mrs. Cunynghame went round the institution in the day-time, and spoke to all the old men, were you always with her? No, I was not.
1523. You cannot tell whether she spoke harshly or not to the old men when she went round the place? No, I cannot answer for that.
1524. You were head wardsman;—can you tell the reason why the men were prohibited from going on the grass? I do not know. There was no order to that effect.
1525. Will you swear you did not know they were prohibited from going on the grass? I will swear that I know nothing about it.
1526. Did you ever see a man on the grass? Yes.
1527. More than one? Certainly; I have been on the grass myself.
1528. You were a head wardsman—have you seen any inmates of the institution walking on the grass up to the time that Burns was put in the isolation ward? No; they were not allowed to walk on the grass.
1529. Did you see horses there? I saw a horse there.
1530. *Mr. Ritchie.*] You said you saw a number of men on the grass;—what were they doing? I have seen men on the grass, such as myself and the attendants. The doctor has been on the grass, and also Mr. Cunynghame.
1531. *Mr. Williamson.*] But we are talking about the inmates. Up to the time that Burns was put in the isolation ward, did you ever see any of the inmates on the grass? No.
1532. Will you tell me the reason why the inmates were not allowed on the grass? No; I was not superintendent.
1533. Can you give any explanation to the Committee why it was that you and the other attendants were allowed to walk on the grass and the inmates were not? No, I cannot.
1534. You told us that you had something to do with the diet;—what had you to do with it—did you wash up the dishes? No; I am not a scullery man.
1535. What had you to do with the diet? Mrs. Cunynghame came to me and said, "Don't you think so and so would be better here?" and so and so, mentioning several things such as gruel in the morning for breakfast, or a little treacle or jam in the afternoon, and I said, "Certainly, it would be a change for the men."
1536. Is that what you call having to do with the diet? I helped generally.
1537. As a matter of fact, during Mr. Maxted's time, you did whatever he directed you to do, and paid you for doing? Certainly.

- Mr. F. Dyer. 1538. *Mr. Bourke.*] You say Mr. Maxted told you that you were a strong healthy man, able to earn your own living, and that you ought to be ashamed to be in the institution? Yes.
 1539. You have lost one arm, have you not, and have only one hand, and that is crippled? Yes.
 1540. I suppose your work was generally to superintend the other men in bringing about the new dietary arrangements? Yes.
 1541. *Mr. Williamson.*] When Mr. Maxted told you that you were an able-bodied man, and ought to be ashamed of yourself for being in the institution, was that said in the presence of Mrs. Brooke? Yes.

John Horan called in, sworn, and examined:—

- Mr. J. Horan. 1542. *Mr. Bourke.*] How long have you been an inmate of the Parramatta Asylum? Over three years. I was two years under Mrs. Cunyngame's charge.
 1543. You were here after Mr. Maxted was appointed in August, 1888, and until Mrs. Cunyngame was suspended? Yes.
 1544. And you used to assist sometimes in the institution when you were required? I was four months deputy wardsman in No. 1 hospital.
 1545. *Mr. Williamson.*] In Mr. Maxted's time? No.
 1546. *Mr. Bourke.*] During Mr. Maxted's time you were not doing anything? No, I was not in any of the hospital billets.
 1547. Were you in any other billet? I was working in the yard.
 1548. Then you were a good deal about the place? Yes.
 1549. You saw Mrs. Cunyngame every day? Yes; I saw her every day. She attended the hospital daily.
 1550. What was her conduct towards your men;—was she very harsh to you? No; I always heard her speak gently and kindly to every man in the building.
 1551. Do you know of any cases in which men were treated very harshly? No, I do not.
 1552. Do you know a man named White, and a man named Burns? I have seen them.
 1553. Do you know what kind of men they were? No, I do not.
 1554. Do you know the character they bore in the yard? I have not heard the men saying anything about them.
 1555. What was Mrs. Cunyngame's treatment of you personally? She treated me gently and kindly always.
 1556. *Mr. Williamson.*] After Mr. Maxted's appointment, and up to the time of Mrs. Cunyngame's dismissal, were not the men prohibited from going on the grass? They were.
 1557. Why? I do not know.
 1558. Do you know of any inmate having his tobacco stopped because he went on the grass? No; I do not.
 1559. Used you to see a horse and a cow on the grass? I have seen horses and cows on the grass up to this hour.
 1560. I am talking about the first part of Mr. Maxted's time. Were you not told that if you went on the grass you would get your tobacco stopped? I was never told so.
 1561. Did you ever go on the grass after Mr. Maxted's appointment? No; unless I went across it occasionally when I was going to my ward.
 1562. *Mr. Bourke.*] Were you ever ordered off the grass during Mrs. Cunyngame's time? No.
 1563. *Mr. Ritchie.*] Were you in the habit of going on the grass? No.
 1564. Then you could not be turned off? No; I had no occasion to go on the grass when I was wardsman in the hospital.
 1565. *Mr. Bourke.*] You see the clothes that are now hanging on the line to dry, along the yard;—can you tell us whether, in Mrs. Cunyngame's time, those clothes were dried there? No, they were not; they were dried lower down—further away from the building.
 1566. Is it not true that the whole of the yard is taken up with these lines of clothes? Yes.
 1567. And the men have nowhere else to walk now but on the grass? Yes; that is so.

TUESDAY, 8 JULY, 1890.

Present:

MR. HOWE,		MR. CRICK,
MR. FRANK FARNELL,		MR. KIDD,
	MR. RITCHIE.	

JAMES PETER HOWE, ESQ., IN THE CHAIR.

Mr. Bourke, instructed by Mr. Herbert, appeared as Counsel for Mrs. Cunyngame.

Mr. T. M. Williamson appeared as Solicitor for Mr. Maxted.

George Henry Phillips, Esq., M.D., called in, sworn, and examined:—

- G. H. Phillips, Esq., M.D. 1568. *Mr. Bourke.*] You are a qualified medical practitioner, residing at Parramatta? Yes.
 1569. You have been in the habit of some time, I believe, of visiting the Macquarie-street Asylum? Yes, on different occasions, for upwards of seven years.
 1570. You visited the Asylum after Mr. Maxted was appointed on several occasions? Yes.
 1571. Do you remember a man named Bannan? There were two men on one day. I was called in to see one, and another man was brought in afterwards.
 1572. Do you remember those men—Bannan and M'Govern? Yes.
 1573. What kind of men were they, and what was their mental condition? They were brought to me to see with respect to their sanity. The second man, M'Govern, I declined to certify for.
 1574. What was your opinion of the first man Bannan? As far as I remember, I certified in his case.

1575.

1575. Do you think Mrs. Cunynghame was justified in calling you in to see Bannan and the other man? *G. H. Phillips, Esq., M.D.*
Yes.
1576. There was a reasonable doubt, you think, as to the second man's sanity? Yes.
1577. You had a fair opportunity, I suppose, of observing the working of the Macquarie-street Asylum? *8 July, 1890.*
Yes.
1578. What is your opinion of Mrs. Cunynghame's treatment of the inmates during Mr. Maxted's time? I consider that her management was perfectly satisfactory.
- 1579-80. Was she kind or otherwise in her demeanour? Very kind and perfectly natural; she spoke to the patients just the same as she spoke to me.
1581. Of course you met Mrs. Cunynghame there whenever you went to see the inmates? On every occasion.
1582. Did you find her untruthful? No, certainly not.
1583. Do you remember seeing Dr. Violette and Dr. Brown at a picnic after Mrs. Cunynghame's suspension? Yes.
1584. Did any conversation take place between you and Dr. Violette about Mrs. Cunynghame's suspension? There was a general conversation on that subject.
1585. Did Dr. Violette express surprise at Mrs. Cunynghame being suspended? He did. He said he knew nothing whatever about it. We asked him how it was that Mrs. Cunynghame was suspended, and he said, "I know nothing about it; it has nothing to do with me."
1586. That was after her suspension? Yes. Dr. Violette was asked specially about Mrs. Cunynghame's suspension. Everybody said they were surprised, Dr. Violette amongst the number, and then a question was put to Dr. Violette, did he know, and he said, "No, I know nothing at all about it. It had nothing to do with me."
1587. *Mr. Ritchie.*] Did Dr. Violette intimate to you that he knew that such negotiations were going on between Mr. Maxted and Mrs. Cunynghame as would lead to that lady's dismissal, or did he express any knowledge of the transactions going on between them? He led all of us—Dr. Bowman, Dr. Brown, and myself—to believe that he was perfectly ignorant of anything having taken place until he saw Mrs. Cunynghame's suspension notified.
1588. Do you remember anything else he said? No.
1589. In November, 1888, after Mrs. Cunynghame's suspension, you wrote a letter to her? Yes.
1590. When you went to visit the Asylum to see Bannan, did you see Dr. Violette's book, and did you see a memo. in that book authorizing Mrs. Cunynghame to call you in? Yes—that is, with regard to the first man.
1591. With regard to M'Govern, the second man, Mrs. Cunynghame, was there when you saw him? Yes.
1592. Was Mrs. Cunynghame anxious to get rid of that man? No.
1593. And you have never heard Mrs. Cunynghame address the inmates in a harsh manner? Not at all.
1594. Will you tell us, in a word, what is your opinion of Mrs. Cunynghame's management of the place altogether? I think her management of the institution was as good as it possibly could be.
1595. *Mr. Williamson.*] How often did you visit the institution between the time of Mr. Maxted's appointment and Mrs. Cunynghame's dismissal? Two or three times. I could not state the exact number.
1596. Was that shortly after Mr. Maxted's appointment, or shortly before Mrs. Cunynghame's dismissal? At different times. I simply went up when I was sent for to visit a patient.
1597. When you were specially sent for? Yes.
1598. On those two or three occasions, did you go through the whole of the wards? No.
1599. Then you can only speak in reference to Bannan and M'Govern? That is all at that time—I can only speak of the patients I saw.
1600. As to how the rest of the institution was managed you cannot say because you did not go through it? I have been through the institution, and have taken charge of the institution.
1601. But after Mr. Maxted's appointment, and up to the time of Mrs. Cunynghame's dismissal, not having gone through the wards, you cannot say how they were managed? I have not said anything about the management of the wards during that time.
1602. Not having visited the different portions of the institution between the time of Mr. Maxted's appointment and Mrs. Cunynghame's dismissal, how can you speak of the management? I had formed my opinion of it having had actual charge of the institution on several occasions when Dr. Rowling was medical officer.
1603. Prior to Mr. Maxted's appointment? Yes.
1604. So that you virtually know nothing of the management of the institution between the time of Mr. Maxted's appointment and Mrs. Cunynghame's dismissal? No.
1605. *Mr. Orick.*] Were you not there at all? I visited it only to see special patients.
1606. *Mr. Williamson.*] As a matter of fact, you went in at the front door or one of the side doors and down the side way to the Hospital or Isolation Ward, or wherever these men were, and you had a look at them and went away again? Yes.
1607. Who sent for you in the case of M'Govern? In the first place, Mrs. Cunynghame asked me to see him. She said, "I have another man here whom I would like you to see."
1608. Did you look at the book? I did a week afterwards, and was shown an entry in Dr. Violette's handwriting.
1609. In M'Govern's case as well as Bannan's? Yes, I think in both cases. Mrs. Cunynghame sent a message down asking me to call when I was coming up, and she showed me the entry in the book.
1610. Did M'Govern remain in the institution? Yes.
1611. Bannan stayed there some five or six months after you saw him? I am not quite positive. I forget whether or not I certified in his case, but I remember the last of the two because of a dispute having taken place as to whether Dr. Violette wished me to see him or not.
1612. Whose case did you certify to? I forget what was the result of Bannan's case, but I distinctly remember declining to certify with regard to M'Govern, because I remarked to Mrs. Cunynghame, "I do not think this is a fit case," and she said, "No; I think we can manage him here." This is why I said just now that I knew she was not anxious to get rid of M'Govern, because she said she was sure she could manage him.

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1613. Did you certify to Bannan too? I cannot remember whether I did or not. I am positive I did not certify to M'Govern, but I am not positive with regard to Bannan.
1614. *Mr. Ritchie.*] Were any reasons given why you were called in in place of Dr. Violette? I was not called in the place of Dr. Violette.
1615. For what reason were you called in? When Dr. Violette considers a patient unfit to be in the Asylum, either at Macquarie-street or George-street, he puts a memo. in the book to see Dr. So-and-so, and this other medical man is sent for, and if in his opinion the case is one for the Lunatic Asylum he certifies to that effect.
1616. Then you came at Dr. Violette's wish, and he certified to your coming? Yes.
1617. When you came, what part of the institution did you visit? I saw one of the men in the hall, and the other was brought into the office.
1618. Did you see them elsewhere? No, as far as I remember.
1619. On the other occasions, what part of the institution did you visit? Different parts. Sometimes I went to one ward, sometimes to another, and sometimes to the Isolation Room. On one occasion I had to take a knife away from a patient in the Isolation Asylum Ward.
1620. On the three different occasions on which you visited the Asylum during the time of Mr. Maxted's appointment you went direct to the place where the patient was? Yes; I was taken by Mrs. Cunynghame to the place.
1621. Did you visit other parts of the institution at the same time? No, not on those occasions.
1622. You have not been in the habit of doing so? Previously, but not since Mr. Maxted's appointment.
1623. Have you visited all the other similar institutions in the town? Yes.
1624. Had you many opportunities of judging as to their management? Yes, equal opportunities in each case.
1625. How did you draw your conclusions as to Mrs. Cunynghame's Asylum being managed perfectly well? I considered Mrs. Cunynghame's the best of the lot.
1626. Yet you admit that you had no opportunity of walking over the whole of the institution with a view to criticise its management? Not since Mr. Maxted was appointed. Previously to that I visited the institution for a week or a fortnight at a time.
1627. And did you make it your duty then to satisfy yourself that it was well conducted? Yes. The only place I ever disapproved of entirely was the cancer ward, in Macquarie-street, and I thought that was a disgrace to the community.
1628. Whose fault was that? It was not Mrs. Cunynghame's fault. It was the fault of the building.
1629. And not the fault of the management? No; there was nothing wrong with the management. The buildings are all overcrowded.
1630. *Mr. Frank Farnell.*] Do you not think the whole of the buildings are a disgrace to the country? I do; they are unfit for the purposes for which they are used.
1631. *Mr. Crick.*] Then Mrs. Cunynghame must have been a pretty good manager to have managed so well in so bad a building? I think she was.
1632. *Mr. Ritchie.*] Of course you were not aware of any conflict or any transactions between Mrs. Cunynghame and Mr. Maxted? None at all. My experience of Mrs. Cunynghame was entirely derived from the time Dr. Rowling was Medical Officer. At times Dr. Rowling's health would not be good, and he would arrange with other medical men in the town to take his work off his hands, and on some occasions I would take Macquarie-street, and on other occasions George-street, sometimes for a week, and sometimes for three or four days.
1633. So that it is very possible that much dissension might have taken place between Mr. Maxted and Mrs. Cunynghame without your knowing it? Yes; I should have no opportunity of knowing anything about it.
1634. *Mr. Williamson.*] Are you prepared to deny the contents of Dr. Violette's report? I distinctly deny the truth of this statement. Dr. Violette says: "I have also to complain of Mrs. Cunynghame having called in Dr. Phillips to pronounce an opinion on the inmates without my knowledge or sanction." In the case of one of the men I am positive that Dr. Violette sanctioned my seeing him. Dr. Violette goes on to say in his report: "In the case of M'Govern, she is desperately anxious to get rid of him." I say she was not. She was not at all anxious to get rid of him. She expressed her willingness to keep the man there, as she said she felt she could manage him. I do not agree with Dr. Violette in his statement that Mrs. Cunynghame is "shifty, evasive, and untruthful," because I never found her so.
1635. But you were only there three times after Mr. Maxted's appointment? I found her perfectly truthful in her statements to me. She showed me the entry in the book and said: "Here is this man, I don't know that he is very bad; I would like you to see him."
1636. Will you swear that when you were called in to see M'Govern you saw a recommendation by Dr. Violette to the effect that you should be called in? I saw a notice there that day "to see Dr. Phillips" against some man's name.
1637. Signed by whom? There was no signature to it.
1638. Will you swear that you saw any recommendation in respect to M'Govern when you visited the institution? No, not with regard to M'Govern, not on that occasion. I saw the case I was called to see by Dr. Violette—Bannan, the first man. In M'Govern's case I did not see it.
1639. Then you saw no recommendation with regard to M'Govern when you were called in? No.
1640. So that you cannot say that that portion of Dr. Violette's report is untrue which says that Mrs. Cunynghame called you in to see M'Govern without first consulting Dr. Violette? I do not say anything about M'Govern; I speak about Bannan.
1641. Do you swear even with regard to Bannan? I received a memo. that Mrs. Cunynghame wished to see Dr. Phillips for one of the men.
1642. Will you swear that you saw any recommendation when you were called in with reference to Bannan the first time you visited him? I was shown an entry by Mrs. Cunynghame, but I could not be positive whether it was the first time or the second time I visited the institution after seeing Bannan.
1643. Do you keep a diary? I keep a day-book.
1644. In that book you would have an entry of the visit to Bannan? No; I should have an entry that I visited the Asylum, but not the name of the patient.

1645. *Mr. Ritchie.*] Then you are not positive that you had the assent of Dr. Violette to your going to the Asylum? It was afterwards. I remember Mrs. Cunynghame sending for me afterwards, and taking me into the room and showing me the entry, but I am not positive about the first time. I remember distinctly her showing it to me afterwards.
1646. As far as you know you may have been brought there by Mrs. Cunynghame's sole authority? The notices to visit which I receive are from Mrs. Cunynghame, but they state by request of Dr. Violette.
1647. Were you in the habit of looking at the Medical Book to see that the doctor had signified his wish that you should go? No; I had never seen the book more than once or twice.
1648. But it was usual for the doctor to signify his wish by writing in the book when he wanted you to visit? Yes.
1649. *Mr. Bourke.*] I suppose you would take an intimation from the Superintendent as sufficient authority for you to go there? Yes.
1650. And you distinctly remember with regard to Bannan that you saw Dr. Violette's memo.? Yes, at some time I saw it.
1651. *Mr. Crick.*] He approved of your visit some time or other, if not beforehand, at any rate afterwards? Yes.
1652. *Mr. Bourke.*] He approved of your visit to Bannan? Yes.
1653. You cannot be sure about M'Govern? No, I would not like to be sure whether I saw a memo. about him or not.

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Joseph William Withers, Esq., J.P., called in, sworn, and examined:—

1654. *Mr. Bourke.*] You are a Justice of the Peace, residing at Parramatta? Yes.
1655. You know the Macquarie-street Asylum at Parramatta? Yes; I have known it for years.
1656. And you have been in the habit of visiting it? Yes, hundreds of times.
1657. *Mr. Williamson.*] In Mr. Maxted's time? No, not so often in Mr. Maxted's time.
1658. *Mr. Bourke.*] You say you were never there after Mr. Maxted was appointed? No; I should have said I never went there after Mrs. Cunynghame was dismissed. I was so much surprised at Mrs. Cunynghame's dismissal that I never went near the place.
1659. Did you never visit the institution after Mr. Maxted's appointment, and before Mrs. Cunynghame was dismissed? Yes; I think I did once or twice.
1660. Having visited the institution as you say, hundreds of times, you had a good opportunity of seeing how it was conducted? Yes.
1661. Were you ever called in to give your opinion about the quality of the meat? Once I was, and condemned it.
1662. When you went to the Asylum, did you go all over the place? I have been all over it—every particle of it.
1663. I suppose you went unaccompanied by Mrs. Cunynghame? Yes. I would often take friends there on Sunday afternoons.
1664. I asked you whether you had been over the institution unaccompanied by Mrs. Cunynghame? Yes. I have been through it dozens of times. I live near the institution, and I used to take visitors through it. Sometimes I would say, "Is Mrs. Cunynghame in?"; they would say, "No; she is gone out for a drive," and I would say, "Tell her I called to take some friends of mine over the institution." I used to take them over the institution, and go all round the place.
1665. I suppose as a resident of Parramatta you are rather proud of it? Yes; I used to be proud of the place.
1666. And went through amongst the people unaccompanied by Mrs. Cunynghame? Yes, dozens of times; oftener without her than with her.
1667. Did they ever make any complaint to you? No. I would go there when they were having their meals and look at them having their meals, and often talk to the old men and walk all round the ward when they were having their meals, and they never made any complaint to me. I used to ask them personally whether they had any complaints to make. They knew I was a magistrate, and if there were any complaints they could make them to me.
1668. *Mr. Ritchie.*] What was your object in asking these questions? Only as a matter of curiosity. I used to see them looking happy and comfortable, and I suppose I asked it to see if it was right.
1669. Had you any suspicion that things were otherwise? No; I never had any suspicion of the sort.
1670. Did anyone lead you to believe there was cause for suspicion? No; I used to take an interest in the place, and I used to think that if there was anything going wrong I would speak to Mrs. Cunynghame about it. I never dreamt of anything remiss going on or anything of the kind.
1671. You saw Mrs. Cunynghame amongst the inmates;—what was her demeanour—was it harsh? No; just the contrary.
1672. *Mr. Frank Farnell.*] What is your conclusion after visiting the old men—were they miserable, or were they happy? They were happy and comfortable.
1673. *Mr. Bourke.*] Did you ever visit the institution at night? I have been there when there has been an entertainment. On those occasions a vote of thanks to Mrs. Cunynghame was always proposed, and the old men would cheer most lustily, and seemed quite pleased and satisfied.
1674. Were you present at a feast that took place just before Mrs. Cunynghame's suspension? No, I never went to a feast; I did not hold with them, as I believed it only made the men dissatisfied afterwards.
1675. Do you recollect seeing a man named Thomas Peterson in the Macquarie-street Asylum in June, 1888? I do not remember the name. There was a man who was an imbecile, and a very violent man.
1676. Do you remember what kind of a man he was? He was a most violent man.
1677. Was he sane? I should not think he was a fit man for the institution. I should think he was more fit for a lunatic asylum or a gaol, from what I knew of him.
1678. *Mr. Williamson.*] You did not give evidence before the Royal Commission? No.
1679. Mrs. Cunynghame did not call you to support the management of the institution on that occasion? This is the first time I have been present at an inquiry.
1680. You are a great friend of Mrs. Cunynghame's? I am not such a great friend. I am a friend of Mrs. Cunynghame's, I am glad to say.

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1681. Mrs. Cunyngame visits your house? I suppose she has been to my place about twice in her lifetime, and I was not at home then, I think.
1682. You have taken a great interest in this case on her behalf, have you not? In what way?
1683. You have come without much hesitation to give evidence? Certainly I have come without hesitation.
1684. And you were at Parramatta on two or three occasions waiting to give evidence? I was; I was summoned to give evidence.
1685. Have you not advocated Mrs. Cunyngame's case very ardently? Why should I not, if I thought I was right?
1686. Do you know a man named M'Cauley? I do not know the men's names; I know them more by their faces.
1687. *Mr. Ritchie.*] You say that before Mr. Maxted's appointment you visited the institution very frequently, and that after his appointment you only visited it once or twice? Three or four times at the outside.
1688. You say now that it was three or four times? I could not say—I know it was not very often.
1689. Three or four times within fifteen weeks. What was your reason for dropping off your visitations? Because I was so disgusted—if you will have the truth—at Mrs. Cunyngame getting the sack that I would not go near the place, and I took no more interest in it.
1690. You said that before Mr. Maxted's appointment, for the last five or six years you visited the place nearly every Sunday, but that after Mr. Maxted's appointment you only visited it once or twice during Mrs. Cunyngame's superintendence? Because she was only there a short time after Mr. Maxted's appointment.
1691. Fifteen weeks after, and during that time you only visited the Asylum once or twice? Yes.
1692. I want to know the reason why you did not go there during those fifteen weeks as regularly as you did before? I do not know that I had any particular reason.
1693. Can you assign any reason? No.
1694. Do you not think it very strange that you visited the institution regularly every Sunday? I did not say I visited it every Sunday, or nearly every Sunday; I said I used to walk into the institution very often with people.
1695. You were there very often, but after Mr. Maxted's appointment you scarcely ever visited the place? Because there was such a short time, and then Mrs. Cunyngame was suspended for some time.
1696. Could you give us a reason why you did not visit it as regularly as before? That is the reason.
1697. Because she was suspended? Yes.
1698. But between the time of Mr. Maxted's appointment and Mrs. Cunyngame's suspension or dismissal why did you not visit as regularly as before? I could not tell you how long Mrs. Cunyngame was under suspension before she was sent away.
1699. *Mr. Williamson.*] Can you give us any satisfactory explanation for not going oftener to the institution after Mr. Maxted was appointed? Nothing more than what I have said.
1700. Was it not because you were opposed to Mr. Maxted and Mr. Hugh Taylor? Mr. Hugh Taylor, you know, is no friend of mine.
1701. Was not that the reason? I will say it was.
1702. *Mr. Ritchie.*] Is Mr. Maxted a friend of yours? Not particularly; he is no enemy of mine; but I did not care to come in contact with any of them after the way Mrs. Cunyngame was treated.
1703. *Mr. Williamson.*] You give that as an explanation—because Mr. Maxted was appointed, and in consequence of Mr. Hugh Taylor, you did not visit the institution after Mr. Maxted's appointment? Say yes.
1704. Were you then at enmity with Mr. Maxted before he was appointed? No.
1705. Was it because Mr. Maxted appointed your brother-in-law, Mr. Ewery, as one of the Inspectors that you were opposed to Mr. Maxted? No. I was not a friend of Mr. Ewery's, and therefore did not come into contact with Mr. Maxted.
1706. And you did not visit the institution for fear you would come in contact with him, is that it? That is about it. I never had anything against Mr. Maxted.
1707. Then when you went to the institution after Mr. Maxted's appointment you only went on one feast day? I never went to a feast at all.
1708. A concert? I think it was a concert, or nigger entertainment.
1709. That was one. Can you tell me what was going on, on the other occasions when you visited the institution? Mostly concerts in the evenings.
1710. If you only went at night-time for the purpose of seeing these entertainments, you did not go through the wards during Mr. Maxted's time? I could not positively say that I went through the wards at night in Mr. Maxted's time.
1711. Did you go through the wards or inspect the institution at night-time after Mr. Maxted's appointment? I could not say whether I did or not.
1712. As a matter of fact you did not go through, did you? I could not say whether I did or not.
1713. After Mr. Maxted's appointment, did you go round amongst the old men and ask them if they had any complaints to make? I could not say whether it was in Mr. Maxted's time or not. I know I have done it repeatedly.
1714. But confine yourself to the period after Mr. Maxted's appointment? I could not say whether I did or not.
1715. Did you at any time after Mr. Maxted's appointment go round and inspect the food the men were receiving? I think they had a supper one night.
1716. I mean their general meals—their rations? Yes.
1717. Was that at supper? No; at tea-time one Sunday.
1718. Will you swear that you inspected the rations at all after Mr. Maxted's appointment? I won't swear anything of the kind; I know I have inspected them dozens of times.
1719. Were you deputed to make an inspection of the institution? I was not; I [went there as a citizen.
1720. As a matter of friendship to Mrs. Cunyngame? As a citizen, not as a matter of friendship at all. I have a right to do it; any magistrate has a right to do it.

1721. Do you know the names of the people who gave evidence before the Commission? I do not know any of them. J.W. Withers, Esq., J.P.
1722. I suppose you have read the report? I have not.
1723. I presume you saw the *Argus*? I did not take any notice of it.
1724. *Mr. Bourke.*] You have said that you inspected the food at tea-time;—do you remember whether that was after Mr. Maxted's appointment? I think it was after Mr. Maxted's appointment.
1725. And before Mrs. Cunynghame's dismissal? Yes. I have not been in the institution since her dismissal.
1726. But up to the time of her dismissal, did you go? Yes; I went up to within a few days before she was dismissed.
1727. Then you must have been there several times after Mr. Maxted's appointment? Yes; but I did not take any particular notice.
1728. You never had any unfriendliness towards Mr. Maxted? No.
1729. Never had any quarrel with him? No.
1730. *Mr. Kidd.*] I suppose that having time on your hands, and taking an interest in the management of the institution, you simply went there for the purpose of taking notice as to how it was carried on? Yes; I used to take a pride in the place.
1731. You were so satisfied with Mrs. Cunynghame's management that when she was dismissed you felt that an injustice had been done to her? There is no doubt about it.
1732. And you refrained from going afterwards—that was your only reason? Yes, that was my only reason. In my estimation she was the best woman I ever saw in an institution of the kind. The men seemed to be happy and comfortable, and to like her. I never heard a word against the woman, and I was never more astounded in my life than when I heard she was dismissed.
1733. *Mr. Ritchie.*] You said a little while ago that you visited the place as a citizen, as a man taking an interest in the public institutions of the country, and not in personal friendship to Mrs. Cunynghame? Yes; I also go over the Gaol, the Lunatic Asylum, and the Poor-house.
1734. You do not visit the Macquarie-street Asylum now? No.
1735. If you visited the institution as a disinterested citizen in Mrs. Cunynghame's time, why do you not do so now; have you a prejudice against the institution? I have a prejudice against Mrs. Cunynghame being dismissed.
1736. That is the reason you will not visit? Yes.
1737. That proves to us to some extent, you will admit, that it was not altogether a public disinterestedness that caused you to visit the institution? I gave up visiting the institution because I considered that Mrs. Cunynghame was wrongfully dismissed.
1738. If you took such a deep interest in the institution in your position as a Justice of the Peace and an ordinary citizen, and visited it on purely philanthropic grounds, why did you not continue to visit it after Mrs. Cunynghame was dismissed? That is the reason.
1739. You say you were disgusted at the way in which Mr. Cunynghame was dismissed, but that is no reason why you should not visit the institution? I think it is a very good reason.
1740. It is the only reason you have got? It is the only reason.
1741. Do you not think that there was a greater reason why you should visit the institution after Mrs. Cunynghame was dismissed;—do you not think, as a reasonable man wishing to guard the public weal, that it should have been your duty to visit the institution more frequently, and to be more keen and critical than was the case before? No; I thought perhaps they would only think I went there to criticise.
1742. What need you care about that? I did not care. I know what I thought of the place when I used to visit it. It was clean and healthy.
1743. *Mr. Williamson.*] Do you visit the George-street Asylum? I was there last Sunday.
1744. How often have you visited it since Mr. Maxted was appointed? I suppose about half a dozen times.
1745. Then you continue your visits to that institution? Yes.
1746. *Chairman.*] What is your general impression of Mrs. Cunynghame as to her character? I have always had the highest opinion of Mrs. Cunynghame's character.
1747. Do you think she is a truthful woman? I never found her anything else. I thought she was a straight, blunt woman. I have never seen the slightest deception about her.
1748. *Mr. Ritchie.*] From your general knowledge of Mrs. Cunynghame, would you think her a person liable at any time to neglect her duty? I have never seen it. I should not think she was.
1749. From anything you have seen of her, would you think her capable of disobeying orders from an official source, no matter how unpleasant they might be? I should not think she would.
1750. You do not think that she would be too independent in her own character to disobey an order if it were an unpleasant order, or went against her own opinion or judgment? I should not think she would do such a thing.
1751. From what you judge of her generally you think she would conform to the official orders given to her? Yes, from what I can judge generally I should think she would.
1752. *Mr. Frank Farnell.*] How long have you known Mrs. Cunynghame? I knew her before she went to Parramatta.
1753. And you have known her ever since and during the whole of her term of office at the Macquarie-street Asylum? Yes.
1754. You have been at Parramatta during the whole of the time? Yes; I have been at Parramatta about twelve years.
1755. Have you ever heard any complaint made by people outside as to the way in which she managed the institution? Never a word.
1756. *Mr. Ritchie.*] Do the people of Parramatta know much about the management of these institutions from the outside? I do not know that there are many who take much interest in them.
1757. *Mr. Frank Farnell.*] Have the police ever brought cases before you as a magistrate in which inmates of the institution have been concerned? I think there was one case in which a man was brought up from the Asylum.
1758. In the evidence given by the police, have they ever made charges of neglect or maladministration against Mrs. Cunynghame? Not to my knowledge. The only police case I had was lately, in Mr. Maxted's time.

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1759. *Mr. Williamson.*] You spoke generally of the character of Mrs. Cunynghame. If she herself has admitted that for three months she never went through the hospital wards, what have you got to say to that? I cannot say anything about it.
1760. You have not come here prepared to swear as to the way she managed the institution in your absence, have you? I am not doing anything of the kind.
1761. You have not come prepared to swear as to the way she treated these men in your absence? I cannot say how she treated them in my absence; I only speak of the people as I find them.
1762. Do you know anything about the dead men's moneys received in the institution? No.
1763. Do you know anything about the inmates' moneys received in that institution? No.
1764. Do you know anything as to how the fat was disposed of? No.
1765. Do you know anything about what became of the refuse belonging to that institution? I see it going away now.
1766. But after Mr. Maxted's appointment, and up to the time of Mrs. Cunynghame's dismissal, do you know what became of the refuse? No.
1767. Were you ever present in the morning when the stores were supplied to the institution by the contractor? I have seen them coming in occasionally, but not as a rule.
1768. But have you been there when they have come in of a morning after Mr. Maxted's appointment? No.

Rev. William James Günther, Archdeacon, C.E., called in, sworn, and examined:—

- Rev. W. J. Günther, C.E.
8 July, 1890.
1769. *Mr. Bourke.*] You have been at Parramatta for a considerable time? Since the beginning of 1868.
1770. I suppose you know the Macquarie-street Asylum? Yes, very well. I have been in the habit of visiting it since 1868. It was then an institution for old men—I think they were old convicts, but there were only a few of them.
1771. But you have known the institution ever since Mrs. Cunynghame went there? Yes.
1772. Were you in the habit of visiting it during that time? For many years several times a week; during the last two or three years not so often. I have had two curates, and there has been a division of labour, so that they have been having most of the work there.
1773. Towards the latter end of Mrs. Cunynghame's administration were you in the habit of visiting the institution? I think I was there almost every week.
1774. That would be after Mr. Maxted's appointment, and three and a half months before Mrs. Cunynghame was dispensed with? I really could not be quite certain. My curates used generally to take the services, and I always met them there on the Thursday if there were any cases requiring attention.
1775. Then you went there once a week at least, up to the last? I believe so.
1776. And you had a good opportunity of seeing Mrs. Cunynghame's management of the place? At one time I was so constantly in and out that I have had a good opportunity.
1777. *Mr. Kidd.*] Mrs. Cunynghame having been charged with harshness to the inmates, what is your opinion in regard to that? I never heard of a single case of harshness, and I cannot think it possible it could have occurred, inasmuch as my curates, who visit regularly twice a week, report to me every week with reference to their work.
1778. With regard to the second charge against Mrs. Cunynghame—that of neglect of duty—I suppose you could not have had much knowledge of that? I could not have much knowledge of the internal working of the institution. I always saw Mrs. Cunynghame when I visited the institution, and I know my curates did also. She was always, or as a rule, in the office.
1779. With regard to the fourth charge—of general untruthfulness—have you found Mrs. Cunynghame a truthful woman? I have not found her untruthful on any occasion.
1780. And from your knowledge, do you think she was a proper person to control an institution of that character? So far as I saw her she was always attentive to her duties, and I never heard anything to the contrary from any of those who visited the institution—from my curates, the ladies who visit, or the doctors—and I have heard the doctors speak of the management as most satisfactory.
1781. You never heard anything detrimental to the character of Mrs. Cunynghame? Not in the institution, no.
1782. *Mr. Bourke.*] Do you remember on the 27th November, 1888, writing this letter to Mrs. Cunynghame?—

Dear Mrs. Cunynghame,—

I am so sorry to hear of your suspension, and send you a line to express my sympathy with you. I have known you ever since you came to the asylum, and have always considered you attentive to your duties, and kind in your treatment of the men under your charge.

I trust your suspension will soon be removed.

Yours, &c.,
W. J. GÜNTHER.

1783. Did you write that letter to Mrs. Cunynghame? I did.
1784. There is a letter printed at page 44 of the evidence, dated 4th February, 1889, which you wrote to Mr. Maxted. In this latter letter do you mean to express the opinion that you have changed your mind as to your former letter? I adhere to both the statements in the former letter.
1785. Then this letter of the 4th February, 1889, does not mean that you have changed your opinion of Mrs. Cunynghame? No.
1786. Perhaps you will explain to the Committee how this letter came to be written, and the meaning of it? The first part is, I think, sufficiently plain, and the last part I am prepared to explain. The first part had reference to some unpleasantness at the institution which was reported to me, and I happened to meet Mr. Maxted quite accidentally in the train, and we had some discussion in regard to Mrs. Cunynghame's position. As far as I remember the two points brought forward had reference to the diet, and to certain moneys retained by Mrs. Cunynghame. What Mr. Maxted told me was that Mrs. Cunynghame had not carried out his orders with regard to the new dietary scale. I was aware of that from other sources, and spoke to her some days before about it. She gave me to understand that she had not the materials for carrying it out. The other point, so far as I remember, had reference to moneys retained belonging to the men. That I had also spoken to Mrs. Cunynghame about, and she told me she had the authority of the manager for acting as she had done.

Rev. W. J.
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1787. When did you speak to Mrs. Cunynghame about that? It may have been a fortnight before.
1788. That was after she was suspended? Yes.
1789. That was in consequence of something you heard, I suppose, about these moneys? I heard people talking about it, and had heard it from Mr. Maxted I think. With reference to this part of my letter:—"I was satisfied that you had good reasons for speaking as you did," Mr. Maxted seemed rather hurt with me, and I did not want him for one moment to suppose that I was doubting his statement. At the same time, I knew there was the other side, and I think I did say I would try to see Mrs. Cunynghame; but I felt afterwards that it was not my business to interfere further. But the conversation occurred at an accidental meeting in a railway train, and I had no appointment with Mr. Maxted.
1790. You still adhere to the sentiments expressed in your letter of the 27th November, 1888? I do.
1791. *Mr. Ritchie.*] In the conversation which took place with Mr. Maxted, you say something was said with regard to the dietary scale—that Mrs. Cunynghame refused to carry out his orders? I did not say she refused to do so, but that she did not do so.
1792. And you were aware she did not do so of your own knowledge? I think she admitted to me that she did so as far as was possible, but that there were materials which she could not supply.
1793. How did you gain that information? Mr. Maxted spoke to me first when some festival was going on. I think it was Quong Tart's.
1794. Did you enter into conversation with Mrs. Cunynghame on the subject of the diet? Yes, I talked with her at least once about it.
1795. And what was the impression you got from her conversation with regard to her fulfilling her duties, as ordered by Mr. Maxted? I think she always spoke most respectfully, and seemed most willing to do what she could.
1796. But in that particular? She was most willing as far as I know.
1797. Did you arrive at the conclusion that she had not fulfilled Mr. Maxted's instructions? I think she had not carried them out altogether with regard to the dietary scale.
1798. And she admitted that? I believe so.
1799. Did she give you reasons why she admitted it? Simply because she had not all the material that was necessary to do it, so far as I remember.
1800. Were you satisfied that she was doing her best to fulfil Mr. Maxted's instructions? I always thought, not only when Mr. Maxted gave instructions, but also when others did, that she was doing the best she possibly could.
1801. Did you ever judge of her as to her obedience or disposition to carry out Mr. Maxted's instructions generally; did you see any disposition on her part to do it or not to do it? I certainly saw no disposition to refuse to do it.
1802. *Mr. Williamson.*] Can you tell us when your conversation with Mrs. Cunynghame about the dietary scale occurred? I really have no recollection. I think I spoke to her on more than one occasion.
1803. Two or three times? I think twice.
1804. If she was doing the best she possibly could on the first occasion, why did you speak to her on the second occasion? Probably she mentioned the matter herself. I should not have done so unless some communication had been made to me, and it was probably Mrs. Cunynghame who made it.
1805. To what effect? I really have no distinct recollection of the conversation.
1806. Did this conversation occur after you had written the letter of the 4th February, 1889, to Mr. Maxted? It was long before that; the letter was written after her dismissal.
1807. Did she ever tell you, during those conversations, that she was the person who prepared the dietary scale, or that Mr. Maxted prepared it? I think Mr. Maxted, or, probably, it was joint work.
1808. I want you to recollect what she told you. You spoke to her about carrying out Mr. Maxted's instructions with regard to the dietary scale; did she tell you it was Mr. Maxted's dietary scale? I really cannot remember whether she ever told me or not.
1809. We do not want the exact words; we want the substance of her statement? I cannot remember whether she said so or not. I believe she said it was Mr. Maxted's; but probably he consulted her, and it was joint work.
1810. She led you to believe that it was Mr. Maxted who had drawn up the dietary scale? I should be very glad to give distinct information if it were possible.
1811. So far as your memory will carry you back, did she leave you to believe that Mr. Maxted was the person who was enforcing the dietary scale—desirous of having it carried into effect? Decidedly.
1812. As for any other portion you cannot recollect? I cannot recollect. I was constantly in the institution, and having conversations on different subjects.
1813. With reference to the conversation about the inmates' moneys, will you tell us what you said to Mrs. Cunynghame? I thought it an irregular proceeding to hold the money, and, after the matter was brought under my notice, I considered it my duty to speak to Mrs. Cunynghame. I thought the proceeding a very irregular one.
1814. What reply did she make to you? That she was simply carrying out the instructions of the manager.
1815. What manager, Mr. Maxted? Mr. King's name was distinctly mentioned.
1816. But Mr. Maxted was in power then? She certainly did not tell me she was carrying out Mr. Maxted's instructions. She told me she was carrying out Mr. King's instructions—that Mr. King knew all about it, and had given authority.
1817. You had spoken to her about money before, had you not? I do not think I ever heard until Mr. Maxted was in charge that money was held in that way.
1818. As a matter of fact, you had complained to Mrs. Cunynghame? I had never complained until my attention was drawn to the fact that she was holding money.
1819. Do you recollect having complained to her about money having been sent to one inmate in particular, and that inmate not receiving it? I have some recollection of it, but it is a long time ago, I think.
1820. Do you recollect what you said to her then? I have no recollection, except that I have a faint idea that money came for some individual, and I was given to understand that the Government had retained the money; but my impression is that that was years ago.
1821. Did you state that to Mr. Maxted in the train—did you not mention that as one case to Mr. Maxted? I do not remember it.

1822.

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1822. You will swear it did not take place? We were only a very few minutes together, and I cannot exactly recollect what really took place, but I know money was spoken of and the dietary scale.
1823. Did you, amongst other things, name a sum of 10s.—will that recall it to your mind? I have mentioned the case of a man named M'Ilvane, to whom I gave 10s., but that was in connection with the George-street Asylum.
1824. But we are talking about the Macquarie-street Asylum—while in conversation with Mr. Maxted, did you not say you knew that a sum of money had been sent to one man, and the man had not received it? I have no recollection of it.
1825. *Mr. Kidd.*] Is it not possible that one institution may not have been confounded with another in general conversation? I mentioned to several people that there was a man in the George-street Asylum in whom I was interested, and to whom I gave 10s. He died within a very few hours afterwards, and nobody knew anything about the money—that I mentioned.
1826. In the course of this conversation with Mr. Maxted in the train? I have no recollection of referring even to it on that occasion, but if I spoke of a sum of 10s., it was this.
1827. In the course of conversation with Mr. Maxted in the train was there anything said about complaints of bad treatment? I cannot really remember.
1828. Do you recollect anything being said about the Royal Commission? I was simply a few minutes with Mr. Maxted, and I cannot really say. We could not have talked on many subjects the few minutes we were together. I think it is quite possible there was a reference to the Royal Commission Report. Of course I looked into that.
1829. Can you say whether you have a vivid recollection of what did take place? I certainly have not a vivid recollection.
1830. So you would like your memory refreshed? If it is possible to refresh anyone's memory under the circumstances, which I doubt.
1831. Do you recollect something being said as to the disobedience of Mrs. Cunynghame? I think it quite possible.
1832. In the conversation that took place, you appeared to be under the impression that Mrs. Cunynghame was harshly dealt with? Yes; I certainly admit that.
1833. Then did Mr. Maxted explain to you certain matters relative to the affair? I think so.
1834. How long after that conversation did you write the letter of the 4th February, 1889, to Mr. Maxted? I should think a very short time—only a few days.
1835. Will you look at the two last sentences, "I have not seen Mrs. Cunynghame since you spoke to her. I was satisfied that you had good reasons for speaking as you did"; did not that have reference to the statements made by Mr. Maxted as to complaints with regard to Mrs. Cunynghame's conduct, and to disobedience, and so forth? I do not think so, except so far as it applies to diet and money.
1836. Will you swear it had not reference to what Mr. Maxted spoke to you about—namely, her disobedience and complaints, and so forth—her general management of the institution? I feel perfectly convinced that it had reference only to those two matters I have referred to—the dietary scale and the money.
1837. *Mr. Kidd.*] You must have felt that Mrs. Cunynghame was wrong, and Mr. Maxted was right, or you would not have expressed yourself as in those concluding words of the letter? Mr. Maxted was certainly right with regard to the dietary scale.
1838. What I mean is this—he was explaining to you his view of the question, and you seem to have been in sympathy with him with regard to something in the concluding remarks of that letter? I certainly was in sympathy with regard to the dietary scale; there is no question about it.
1839. *Mr. Williamson.*] And not the money, or the disobedience, and complaints? I do not think so. I think the money, probably, but not the disobedience or complaints.
1840. Why did you not say in your letter, "I am satisfied you had good reason for speaking as you did in reference to the dietary scale and the moneys"—why did you not qualify the sentence in that way? I can only explain it by saying that the letter was written very hastily, and if I had wanted to refer specially to the conversation in the train, I should have written fully. You will see that the body of the letter was written with reference to another matter altogether, and this is just a supplement. Mr. Maxted and I had often met and talked in a friendly way about the institution, and I wrote those words believing that he was somewhat annoyed and irritated with me at the position I took.
1841. *Mr. Kidd.*] Mr. Maxted wanted to put himself right, from his stand-point, as to his action in the matter? Yes.
1842. That was the gist of the conversation; Mr. Maxted wanted to convince you that he was right, and to impress upon you that, if you had a more liberal view with regard to Mrs. Cunynghame and her management, yet she was wrong and he was right? Certainly, that was my impression.
1843. *Mr. Williamson.*] You say that Mr. Maxted seemed a little annoyed with you;—that was not in consequence of Mrs. Cunynghame's case, but with regard to another matter—religious services in Macquarie-street—was it not? No; it certainly was not. It was rather with regard to the attitude I took towards Mrs. Cunynghame.
1844. Was not that the first conversation you had with Mr. Maxted in reference to Mrs. Cunynghame—the one on the 4th February, 1889? I am sure that I had several conversations with Mr. Maxted before Mrs. Cunynghame was suspended.
1845. Not about her disobedience, or the complaints, or the moneys, or anything else? On the day of Quong Tart's festival Mr. Maxted spoke to me about Mrs. Cunynghame. Certainly on that occasion.
1846. Had not the annoyance on the part of Mr. Maxted reference to the matters referred to in this part of your letter?—

4 February, 1889.

I have received your note. Will reply as soon as I have had the opportunity of seeing Mr. Darcey Irvine and Mr. Keimnis. I now write to let you know how much I regret that certain statements have got into the papers. I am in no way responsible for any of them. I knew that the matter under inquiry was talked about, and refused to give information when asked. I did, however, tell one gentleman that I had reported the matter to you, little thinking the communication would be published. Since the paragraph appeared in the *Daily Telegraph* I have told a pressman how unfair it was, and that if Mrs. Brooke, as it stated, knew nothing of the circumstances, that fact ought at once to be made known. I am surprised that it has not been.

I do not think so.

1847. Then what was the intention of that portion of your letter? I had received Mr. Maxted's note, and I replied to that note. The conversation I had with Mr. Maxted in reference to Mrs. Cunynghame took place prior to the 4th of February, and then this case took place at the asylum, and Mr. Maxted wrote to me about it. Rev. W. J. Günther, C.E.
8 July, 1890.

1848. *Mr. Ritchie.*] Have you got Mr. Maxted's note? I do not think it is at all likely.

1849. *Mr. Williamson.*] It had reference to certain religious services, had it not? It had reference simply to the fact that one of my curates had gone to hold service at the asylum at the appointed hour, and the man who was acting for the matron had—purely by mistake, I think—given possession of the room to the Sisters of Charity, and I was sorry, as I found the matron had nothing to do with it, that she should be blamed for it, and I at once wrote.

1850. Then the object of the letter was to ask you to contradict what had taken place with reference to the matter when you came to be aware of the whole of the circumstance? I cannot remember the letter at all.

1851. So that you cannot say whether the last part of your letter of 4th February, where you say that Mr. Maxted had good reasons for speaking as he did, had reference to disobedience or complaints? I certainly adhere to what I have said—that it had reference to the dietary scale and the money.

1852. Do you recollect another part of the conversation in which you complained that you had frequently to go to the Macquarie-street Asylum to settle violent outbreaks? I never uttered such words.

1853. Had you, as a matter of fact, ever gone to the institution to settle differences there at any time? I never remember going to settle a difference there, and I was never asked to do so.

1854. *Mr. Ritchie.*] You often visited the Macquarie-street Asylum after Mr. Maxted's appointment? I think I said before that I believed I went there, on an average, once a week. Whenever anyone was sick, Mrs. Cunynghame knew that if she sent for the clergy of the Church of England, they were always prepared to visit, and I was constantly sent for.

1855. Did you take the trouble of walking round the institution on those occasions? If I were sent for I should go to the particular person who sent for me.

1856. Did you not visit the institution generally, and see the condition of the old men, and their general appearance? I was constantly in the institution; my curates were constantly there, and ladies were constantly there. I have already said that.

1857. Had you any conversations with the old men while you were going through the institution? I cannot think a week passed without long conversations with some of them.

1858. With many of them? Yes, with many of them; and I went there regularly to see any who wished to see me, and after service there were always people who wanted to see me.

1859. And they were very communicative? I should think as communicative about themselves as it was possible to be.

1860. And you were on very good terms with all with whom you came in contact? Yes.

1861. Did any of them ever make any complaints to you about the management? Never of a serious character—of a trivial character.

1862. Could you enumerate any of them? I remember some men complained—and of this probably Mr. King will have a note—that they had not feather pillows.

1863. I want you to confine yourself as nearly as possible to the time between Mr. Maxted's appointment and Mrs. Cunynghame's dismissal? I cannot remember any complaints of any kind. They used sometimes to ask for small matters, such as that to which I have referred. One man, or two men, wanted feather pillows, and I actually brought that under the notice of Mr. King—not that I thought they ought to have them, but I thought it my business to mention the matter, as they requested me to do so.

1864. What was your impression with regard to the care taken of these old men—were they well provided for, or were they neglected at all in any small matter? I had no evidence of it.

1865. You saw no indications of it? No.

1866. Did you hear any of them complain that they wanted spectacles or slippers, or anything of that sort? I have no recollection of their asking me. If they had asked me for anything I should at once have brought it under the notice of Mrs. Cunynghame; and if any complaint of a serious character were made I should have brought it under the notice of the authorities at once.

1867. But do you remember any cases of that kind? No, I do not remember thier asking for slippers or spectacles.

1868. And you believe from your knowledge of the management of the institution that Mrs. Cunynghame was attentive, and provided all things the inmates required as far as her power allowed? So far as I have any evidence.

1869. You have had a good opportunity of judging—will you give us your opinion clearly and openly, to guide the Committee to a knowledge of Mrs. Cunynghame's character from a general point of view, as to her honesty, truthfulness, and general obedience in the position she held? Of course, I had nothing to do, as I already explained, with the internal management; but I can testify without any hesitation to Mrs. Cunynghame's honesty and truthfulness.

1870. And you think she was a person of reliability to perform the duties she was responsible for? I should have thought so.

1871. *Mr. Kidd.*] If you had thought that Mrs. Cunynghame was not a proper person for the position she occupied, would you have conceived it to be your duty to bring the fact under the notice of the authorities; if you had seen any evidence that she was unfit for the position, would you have adopted that course? I should, certainly, without the slightest hesitation, have at once brought it under the notice of the authorities.

1872. You have visited a good many institutions of a similar character to this from time to time? I have been visiting for a great many years.

1873. Would it not be a surprise to you if there were no trivial complaints where such a large number of aged people are congregated together? I am very much surprised that there are not a great many more complaints than there are. I think, if I may be allowed to say so, that there are a large number of men in the institution for whom the Government ought to find some employment. As in Germany and other places, the institution might be almost self-supporting if the authorities ascertained what the men were capable of doing, and found them work. From the fact of their having nothing to do they very often get together and talk about matters, and imagine different things, and are, probably, the more disposed to make complaints.

- Rev. W. J. Günther, C.E.
8 July, 1890.
1874. Then your opinion with regard to the conduct of these institutions is that a great number of the inmates might be classified for some light employment which would make them self-supporting? I have always thought so. I do not think I ever go to the institution without men asking me if I can find them some light employment.
1875. *Mr. Ritchie*] Did Mrs. Cunynghame ever accompany you in your visits through the institution? She has often shown me people whom I have been sent for to visit—she has shown me where they were.
1876. Has she walked round the wards with you generally? I think not.
1877. Did you ever notice any harshness in her manner or disposition towards the inmates? Never, when I was with her.
1878. Did you see her manifest any degree of kindness to them? In special cases I have known her to be very kind to them, and, on the whole, I should certainly say that her treatment was certainly generous and kind.
1879. *Mr. Williamson*.] Do you know that in all the asylums there are only nineteen men, who after examination by two medical men, were found to be fit to do work? I did not know that. What I meant was very light work, such as is found in England under the Brabagon Pauper Employment scheme.
1880. *Mr. Bourke*.] In answer to Mr. Williamson, you said that you had spoken about the inmates' moneys to Mrs. Cunynghame—will you tell us when you first spoke about them? I cannot remember the date—as soon as I heard she retained them.
1881. Was it after her dismissal? After her suspension, I fancy.
1882. When did you first hear about Mrs. Cunynghame having these moneys—was it before or after her suspension? I think it was after, but I could not be certain.
1883. Do you know how you came to hear it? I rather think Mrs. Cunynghame drew my attention to it as one of the matters of complaint against her.
1884. Then you did not hear it as a complaint from any person to whom the money was due? Certainly not.
1885. You heard it probably from Mrs. Cunynghame herself? Probably.
1886. And she told you then that she had authority from Mr. King for keeping the moneys in that way? Yes, certainly.
1887. I think you said there was one inmate who complained about not receiving money that was sent to him;—do you know who that was? It was years ago. I cannot remember his name. My impression is that the money came to him as a pension, and that it was retained by the Government.
1888. Not retained by Mrs. Cunynghame? No.
1889. You say that on the day of the Quong Tart festival Mr. Maxted spoke to you about Mrs. Cunynghame? Yes.
1890. What was the nature of his remarks? I think he was somewhat dissatisfied with some of the arrangements.
1891. The arrangements for that particular day? I do not know; I think generally.
1892. Do you mean as regards the management of the institution, or as to the general arrangements for that particular feast? There were certainly a good many people there, and some degree of excitement in connection with it. I think it had reference to what was going on that day, and it may have had reference to the general management; but I really cannot be sure.
1893. You have said, in reply to Mr. Williamson, that you thought Mrs. Cunynghame did all she could with regard to carrying out the instructions as to the diet? I had always found her ready to do so, and from what she said I gathered that she was prepared on this occasion to carry out the instructions given by those placed over her.
1894. I think you said, in reply to Mr. Williamson, that you were satisfied with Mrs. Cunynghame, and that you adhered to your opinion formerly expressed, except as to the diet and the moneys? Decidedly; I adhere to what I said in that letter, and on the other points I wanted further evidence before I could form an opinion.
1895. Do you now think Mrs. Cunynghame was in fault with regard to the diet? I have not sufficient evidence to say.
1896. Still, as far as you could see, she did all she could with the appliances she had? I do not know what appliances she had, but her disposition was that of one who was ready to carry out the instruction.
1897. Do you remember what appliances she complained of not having? I really cannot remember.
1898. Did she complain about a stove, or insufficient materials for cooking—ovens, or anything of that kind? I think something was said about an oven, but I really cannot be sure.
1899. I suppose unless you went to visit a particular individual who was very ill, your visit would be a general one to the institution? If I went to the institution I should go generally to hold a service there on the Sunday, or the Thursday, and afterwards I would remain to see any persons who wanted to see me. But the visitation has generally been done—and certainly was done for some time before Mr. Maxted took charge—principally by the curates of the parish and the lay reader.
1900. On the other occasions you held a service? I very often did. There was the regular service, but I cannot say, without examining my diary, whether I took it or the curate took it. I should like to say with regard to my evidence that one meets such numbers of men in the institution, and as I had no idea I should be asked any questions about them, I certainly cannot give the definite information the Committee might have wished.

Rev. John Rigney, Monseigneur, called in, sworn, and examined:—

- Rev. J. Rigney.
8 July, 1890.
1901. *Mr. Bourke*.] You hold the position of Monseigneur in the Roman Catholic Church? Yes.
1902. You are in charge of a Catholic church at Parramatta? I was; I am not now.
1903. You were until recently? Yes; until thirteen or fourteen months ago.
1904. You know the Macquarie-street Asylum? Very well.
1905. Were you in the habit of visiting there? Yes.
1906. Frequently? Nearly every day.
1907. Up to the time that Mrs. Cunynghame left? Yes.
1908. And you were there nearly every day? Yes.
1909. Say for three or four months before Mrs. Cunynghame left, what was your opinion of the management of the institution then? There was no difference in my opinion of the management within the last three

Rev.
J. Rigney.
8 July, 1890.

three or four months and the management for seven or eight years before that. The institution seemed to me always to be conducted admirably.

1910. Was Mrs. Cunynghame there when you went? Always.

1911. I suppose you went about amongst the men? I went about amongst the men, and sometimes I held services and masses there, and also confession once a quarter regularly. I also, at different times, visited inmates, belonging to my church, in their beds and in the wards.

1912. And I suppose they talked to you in a friendly and open way? Yes.

1913. Did they ever make any complaints to you? Yes, often.

1914. Of what nature? When I investigated the complaints I found that the men were unreasonable, and that the matron was perfectly justified in any severity she imposed upon them.

1915. Did they ever complain of what you would consider harshness—I am speaking now of the three months before Mrs. Cunynghame left, and during the time that Mr. Maxted was director? I am not aware that there were any men who were refused admittance to the asylum during that period; but I know there were before, and I felt grieved for the men, because they came from Sydney to Parramatta, with orders for admission to the institution, and they were not admitted, and were therefore left in great distress outside. But I found on investigation that the men had delayed in making their application for admission until after the time prescribed by the rules for their admission, and I found, moreover, that they had the appearance of drink: so that I believe in all those cases the matron was perfectly justified in what she did.

1916. With regard to the men who were inside, do you know of any complaint of harshness on their part? No.

1917. I suppose you saw Mrs. Cunynghame going about among the inmates? Yes, frequently.

1918. Can you tell us what you saw in the institution. What was your impression as to the condition of the men—were they miserable, were they ground down, tyrannised over, and that kind of thing? Very far from it. I must say that I was in admiration of the manner in which that establishment was managed by Mrs. Cunynghame, because I am aware that the management of an institution with 700 or 800 old men in it is a very serious and very difficult matter; and if Mrs. Cunynghame had not a great deal of tact and management, and competency for her post, she could not have conducted it as well as I saw it conducted.

1919. About this time there were about 300 men in the Macquarie-street Asylum? Several times there were more than that.

1920. I suppose the men were on such terms with you that they would make complaints to you if they had any of a serious character? Those of my own denomination certainly would. I do not know as to any of the others.

1921. Was there ever a complaint of a serious character made to you about the management by the men there? There was a serious complaint once made by a man, not on his own account, but on account of one of the patients.

1922. Was that within late years? No, I daresay it was four years ago.

1923. Did you investigate it? I did, and I found that, as in all the other cases, Mrs. Cunynghame was perfectly justified in what she did.

1924. Then, as a matter of fact, it was not a serious matter at all? It was a very serious case in appearance, but in the end it was not. It was a case regarding a man's death. A man died suddenly in the hospital at night, and the case was that I had not received notice of the man's dangerous condition. It was a habit of Mrs. Cunynghame's to send me notice when any of the invalids were in danger, but in that case no notice was sent. The doctor, however, did not consider that the man was in imminent danger, and the man died during the night, as I considered, suddenly.

1925. Is that the only serious complaint? That is the only serious one I recollect.

1926. Were the Sisters in the habit of visiting there also? Yes, the Sisters of Mercy visited there frequently.

1927. Did they ever make any complaint to you? No, none at all; on the contrary, they quite agreed with me in my estimate of the management of the institution.

1928. *Mr. Williamson.*] After Mr. Maxted's appointment did you ever see any of the men walking on the grass plot at the back of the institution? I cannot say that I have seen them walking over the grass.

1929. Did the men ever complain to you that they were not allowed to use the grass plot? Never. I have often myself hesitated to walk across the grass, but no one ever objected to my doing so. When I saw that no one walked upon it, I did not do so.

1930. Then, as a matter of fact, you did not see the old men using it? No.

1931. You have no recollection of their complaining to you that they were not allowed to use it? They never did.

1932. Were you in the habit of going over the whole of the institution when you visited it after Mr. Maxted's appointment—would you go through every ward? I would not be quite sure as to the period after Mr. Maxted's appointment, because I had two curates who supplied my place in visiting the institutions, and I could not be quite sure that I visited it very frequently during that time.

1933. During the fifteen weeks between the time of Mr. Maxted's appointment and Mrs. Cunynghame's dismissal you did not visit the institution more than three or four times? Perhaps six or seven times.

1934. *Mr. Bourke.*] And perhaps more? And more perhaps.

1935. *Mr. Williamson.*] But the probabilities are that, having two curates, and having a considerable amount of other work to perform, this work was undertaken by your curates? It was undertaken.

1936. It would take a considerable time for you to go through the whole institution? Not long.

1937. After Mr. Maxted's appointment did you ever hear any complaint about wanting spectacles or slippers, or about bad food? I think I remember one old man having asked me for spectacles, but he made no complaint to me about not being supplied with them from the institution.

1938. Did you hear any complaint about the want of slippers? No.

1939. Or of bad food? No; I knew the condition of the food very well.

1940. Did they make a complaint to you of not being allowed to talk after retiring at night? No.

Thomas Ireland called in, sworn, and examined.

Mr.
T. Ireland.
8 July, 1890.

1941. *Mr. Bourke.*] You were Clerk of Works for a number of years in the Parramatta Asylum? Yes.
1942. Did you have much to do at the Macquarie-street Asylum during that time? Yes, I built the Macquarie-street Asylum right out from its old dilapidated state. I made the new additions, and re-roofed the old wings.
1943. Then you were a great deal in the asylum? I was in it every week for twelve or thirteen years.
1944. Do you remember that after Mr. Maxted was appointed you had to put in a new oven? Yes, I remember that.
1945. Do you know why that was put in? I believe it was put in for the purpose of baking beef and potatoes.
1946. Do you know whether it was caused by a new arrangement as to the diet? Yes, it was something of that kind—to carry out the new arrangements about the diet.
1947. Who supervised the erection of the oven? Mrs. Cunynghame gave me instructions where to build the oven, and Mr. Maxted left a memo. for me to build it.
1948. Was Mrs. Cunynghame anxious for you to finish it, or otherwise? Mrs. Cunynghame was very anxious. As soon as I came in she rushed out of the office and said "Oh, Mr. Ireland I want to see you—will you come down to the kitchen. Mr. Maxted has been here, and we have arranged to build a brick oven to bake the meat and potatoes in."
1949. Did she hurry you on with it? Yes.
1950. And facilitated its completion in every way? Yes, and gave me assistance, by ordering some of the inmates to wheel away all the rubbish that was taken out.
1951. While you were building the oven, of course, you were in the kitchen? Yes, every day it was going on.
1952. And you could see who were there? A great part of the time. I was doing work in other asylums.
1953. But whilst you were there building the oven you were working in the kitchen? Yes.
1954. Did you see Mrs. Cunynghame there? Yes.
1955. What was she doing? She used to come in and see how the dinner was getting on, or anything like that, whatever time of day it was.
1956. Did she seem anxious to arrange the new dietary scale? Well, I thought so, because Mrs. Cunynghame showed me a dietary scale some time before the oven was built, and seemed very pleased about the scale; in fact, she told me that Mr. Maxted had given instructions to have some copies of it sent to the other asylums.
1957. Some copies of the dietary scale? Yes.
1958. Did she tell you who drew up that scale? No.
1959. Do you know whether whilst you were there there was any difficulty about the meat supply? Not at that time.
1960. After Mr. Maxted was appointed, I mean? No, not that I am aware of.
1961. Were you in the office at any time after Mr. Maxted's appointment, when Dr. Violette and Mrs. Cunynghame had a conversation with reference to visiting the hospital wards at night? Yes, the clerk was there at the time. Dr. Violette walked from the dispensary, through the store, into the office, and Mrs. Cunynghame said, "Is there any occasion, doctor, for me to visit the hospital wards after tea?" He said, "Certainly not, while you have those paid men to do it." That was the remark Dr. Violette made. He said, "Certainly not, as long as you have those paid men, and see that they do it."
1962. You say the clerk was there—who was that? Peter Abbott.
1963. Do you remember building what was called an isolation ward—putting up a partition? Yes; I put the partition up in one of the wards.
1964. Do you know what that was for? I believe it was intended for refractory patients.
1965. What is the nature of that isolation ward—is it not simply a part of one of the dormitories divided from the rest by a partition? It is just half the dormitory, three parts in length, divided into three compartments, with lattice-work around the top and the bottom for ventilation.
1966. Under whose instructions did you do that? I got instructions from Dr. Violette as to the mode of building it.
1967. It was under his instructions that you built it? Yes.
1968. What was the condition of the asylum when Mrs. Cunynghame first went there? I can tell you the condition of the place when I went there, a short time after Mrs. Cunynghame. When I first went to the Macquarie-street Asylum, it was to put a roof on what is now No. 1 ward. There was no roof on either of the wings, and they wanted a place for about half a dozen inmates to cut up the wood. But the asylum grew to such an extent before I got the roof on that they wanted accommodation for a great number of men. A bad winter was coming on, and as soon as this wing was roofed and windows put in it was made into a dormitory. From that, I went right round the yard, and erected a shed and built dormitories in the wings. The walls were standing, but there were neither roofs or windows. The reveals were open. I built up the reveals, put new frames and new sashes in, and new roof, and new floor to the whole building, with the exception of Nos. 4 and 5.
1969. As a matter of fact, when you went there shortly after Mrs. Cunynghame was appointed, the whole place was a ruin? A perfect ruin.
1970. Was there any lawn there then? No.
1971. Was there any garden there? No.
1972. Were there any asphalt paths? No.
1973. Did you see those paths constructed? Yes.
1974. Do you know who did them? Inmates of the institution.
1975. Under whose supervision? Under Mrs. Cunynghame's supervision. I had nothing to do with making the paths.
1976. Did you see the lawn made? Yes.
1977. Who made that? Mrs. Cunynghame.
1978. Do you know what space the men had in front of the sheds for recreation purposes? I never measured it exactly.
1979. I mean for walking on, apart from the lawn? I suppose they had about a third of an acre.
1980. I suppose you were at the asylum off and on until the time Mrs. Cunynghame left? Yes.

1981.

1981. Was she always there when you went? Very nearly; I do not think I found Mrs. Cunynghame away more than about twice during the whole of the fourteen years.
1982. Used you to go about amongst the men and talk to them? Yes. I had power to engage any of the inmates I thought able to work, and to pay them 6d. or 1s. a day.
1983. After Mr. Maxted's time did you see any cruelty practised on any of these men? No.
1984. Did they seem unhappy, ground down or otherwise? I think I should have heard it if there had been any cruelty.
1985. Were any complaints made to you by any of them? No.
1986. What was the condition of the men as far as you could see with regard to cleanliness and care? The men seemed to be very comfortable and very clean, and to enjoy their meals. After the new dietary was started, and when the men were having a curry, or a hash, or something of that kind, I went into the mess-room, and they all seemed very pleased and contented.
1987. *Mr. Williamson.*] Mr. Maxted abolished your office? Yes.
1988. Can you tell me how long after his appointment that he abolished your office? I think it was somewhere about nine or ten weeks; I do not know exactly.
1989. How long before Mrs. Cunynghame's dismissal? I cannot say whether it was before or after—I think it was after.
1990. Did he tell you why? No; I asked Mr. Maxted, and he said he had no complaints against me.
1991. Did he tell you why? I asked him if he had any complaint against me, and he said he had nothing, that he was simply abolishing the office on account of rearranging the business of the institution.
1992. Did you then tell Mr. Maxted that you could open his eyes about Mrs. Cunynghame removing materials of the Government? Certainly not.
1993. Will you swear you did not say to him, "I can open your eyes about Mrs. Cunynghame removing materials from the Macquarie-street Asylum to her farm?" Certainly, I swear it; never was such a thing mentioned.
1994. Do you know Mr. Rossiter? Yes.
1995. Did you ever tell Mr. Rossiter you could open Mr. Maxted's eyes, and that Mrs. Cunynghame had taken materials away from the institution? Never. I only had one conversation with Mr. Maxted about Mrs. Cunynghame.
1996. Will you swear that you had no conversation with Mr. Maxted relating to Mr. King having removed materials from the institution, and Mrs. Cunynghame also? I say on my oath that I never had but one conversation with Mr. Maxted with reference to Mrs. Cunynghame, and that was going to the railway station, when he remarked that she was the right woman in the right place.
1997. Did you walk from the institution to the railway station when this conversation took place? Yes.
1998. Did Mr. Maxted speak to you in regard to the removal of materials from the place? Not a word, because the material did not belong to the Government.
1999. To whom did it belong? It belonged to me.
2000. Were you the contractor? I was the contractor in that part.
2001. Were you not paid so much per week? I was paid so much a week; but I had to find some scaffolding which was not claimed by the manager, and I was allowed to take it away.
2002. Did not that conversation arise going to the railway station? Not a word of it. It could not have done so, because it never happened.
2003. Did you not take the material away? Certainly.
2004. And you took some to Mr. King, and some to your own place? I never took any to Mr. King.
2005. What were you paid a week? £4.
2006. Any other allowance? No, except that I was to have 12s. 6d. a week travelling expenses.
2007. Did you ever sign any voucher? Yes; for everything I received.
2008. Do you recollect, in the course of the walk to the railway station, Mr. Maxted speaking to you in reference to working a vineyard with men belonging to the institution? No; Mr. Maxted never mentioned a vineyard.
2009. *Mr. Frank Farnell.*] What conversation did you have with Mr. Maxted on your way from the asylum to the railway station? It was about the building he purchased from Mr. Taylor, and which he was to convert into cottages for the old men. Mr. Maxted asked me to meet him, and we went and looked over the buildings, and decided to make some alterations in order to make them habitable, and then he asked me to get him out a plan of a certain number of cottages round the boundary.
2010. *Mr. Williamson.*] That was another time? That was the same time.
2011. That was the time after Mr. Maxted was appointed? That was the time we had the conversation about Mrs. Cunynghame.
2012. How many times did you walk to the railway station with Mr. Maxted? That was the only time.
2013. Will you swear that? Yes. I drove him up the street in my buggy. That was the only time Mr. Maxted and I were in company.
2014. *Mr. Frank Farnell.*] Do you remember having any other conversation with Mr. Maxted? Not of any consequence, only about the work of the place—about doing a certain job here and a certain job there.
2015. *Mr. Williamson.*] In the course of that conversation do you recollect Mr. Maxted complaining that men were taken out of the institution to work a vineyard? I can swear on my oath that Mr. Maxted never mentioned a vineyard of any description, either at that time or any other.
2016. Do you recollect, during the conversation, offering to send Mr. Maxted some colonial wine? I never had any wine until this last year to send.
2017. Do you recollect offering to send him some colonial wine when he spoke to you of men from the institution working your vineyard? There has never been a man from the institution for my vineyard.
2018. Do you swear that? Yes.
2019. Will you swear you did not offer to send Mr. Maxted some colonial wine? I have already sworn it. I had no colonial wine to offer Mr. Maxted, so I could not.
2020. You have been a bit prejudiced against Mr. Maxted because he abolished your office? Certainly not. I am only too sorry to have to come here to give evidence.
2021. Has Mrs. Cunynghame interviewed you on more than one occasion? Mrs. Cunynghame has seen me only twice since.
2022. And asked you to give evidence in her behalf? Well, she did ask me, but she did not see me when she came to talk to me.

Mr.
T. Ireland.
8 July, 1890.

Robert Vining Gale, Esq., called in, sworn, and examined.

- R. V. Gale, Esq.
8 July, 1890.
2023. *Mr. Bourke.*] You were in the habit of visiting the Macquarie-street Asylum at Parramatta? I visited it whilst Mrs. Cunyngame was there, but not since.
2024. Up to the time of Mrs. Cunyngame's dismissal? Yes.
2025. Do you remember that after Mrs. Cunyngame was suspended and dismissed you were helping her in some business matters? I do.
2026. And do you remember a memo. coming from Mr. Maxted about some inmates' moneys? I do. That memo. was as follows:—"29/11/88. Will Mrs. Cunyngame be good enough to let me have the account book for which I wrote yesterday, showing the state of the inmates' account, and the total amount to their credit in the bank. This matter is important."
2027. Do you remember Mrs. Cunyngame showing you that? I do.
2028. And on receipt of that did she ask you to do anything for her? Yes, I believe she asked my advice, and I advised her to allow me to copy the sums from the book in a short statement, which I did.
2029. And it was your copy, showing the amounts due to the inmates, that Mr. Maxted received? Yes.
2030. Why was it that in making that copy that you did not put in the amount of the dead men's money? Mrs. Cunyngame gave me the book to take the items out as I thought proper myself. I was not given any particulars, and that was all the statement I thought was required.
2031. And that is why the dead inmates' moneys did not appear on that list? I suppose so.
2032. After Mrs. Cunyngame had left the institution did you, on her behalf, send a telegram to Mr. Maxted for him to take the moneys from her? Yes.
2033. Is this a copy of that telegram, dated 11th December, 1888:—"Am leaving; will you appoint time to-morrow at which matters referring to inmates' deposits may be settled"? Yes.
2034. Did you get any reply to that? I am not quite sure. I think a reply was sent that Mr. Maxted would meet Mrs. Cunyngame at a certain time; I could not say exactly what time.
2035. Do you know if Mrs. Cunyngame kept the appointment? I do.
2036. Was Mr. Maxted there? I did not see him.
2037. Did you wait for him? We did not wait very long after the time appointed.
2038. But he did not come there at any rate? No; at least I did not see him.
2039. Was any other communication made by you, on Mrs. Cunyngame's behalf, to Mr. Maxted with reference to these money matters? I think that three times an appointment was made to meet Mr. Maxted to settle these money matters, and on each occasion he did not appear.
2040. Was Mrs. Cunyngame anxious to hand over these moneys? She was very anxious. I even came to Sydney with her to meet Mr. Maxted.
2041. To hand over these moneys? Yes; to settle the matter about the moneys.
2042. *Mr. Williamson.*] Can you give us an explanation how it was that if the dead men's moneys and the inmates' moneys were in the one book, you left out the dead men's moneys but put in the living inmates' money? I cannot. I do not know anything about the dead men's moneys.
2043. Would you know the book if you saw it? I believe this is the book [*Book marked O.*]
2044. Have you seen book marked "G" before? I do not remember; it is so long ago.
2045. I presume you perused the books, in order to make out a clear account? You presume a great deal more than I did. I just took the statement as it was pointed out to me in that one book.
2046. Who pointed this statement out to you? Mrs. Cunyngame. She gave me the book, and opened it just where they were, and gave me no explanation, but said "Take those names out and the amounts."
2047. So that if she had given you the names of the dead persons too, you would have taken those out also? In all probability I should.
2048. *Mr. Bourke.*] It was on your advice that Mrs. Cunyngame retained that book when it was sent for, was it not? Yes.*
2049. And when it was sent for again the day after it was given up? Yes; and a receipt obtained from Mr. Green.
2050. Just as it is now? Yes; I believe it is the same now as it was then.

TUESDAY, 15 JULY, 1890.

Present:—

MR. HOWE,		MR. KIDD,
MR. FRANK FARNELL,	|	MR. RITCHIE.
JAMES PETER HOWE, ESQ., IN THE CHAIR.		

Mr. Bourke, instructed by Mr. Herbert, appeared as Counsel for Mrs. Cunyngame.

Mr. T. M. Williamson appeared as Solicitor for Mr. Maxted.

Walter Brown, Esq., M.D., called in, sworn, and examined:—

- W. Brown, Esq., M.D.
15 July, 1890.
2051. *Mr. Bourke.*] You are a doctor of medicine? Yes.
2052. And you have been for some time I believe at Parramatta? Yes; for about thirty-two years.
2053. You were in the habit of visiting the Macquarie-street Asylum? I visited it regularly during Dr. Rowling's absence. I visited it for a month during Dr. Rowling's absence, and occasionally before that.
2054. Have you visited the institution since Dr. Rowling left? No, not officially. I have looked in to see Mrs. Cunyngame and her family in case of sickness.
2055. Apart from seeing Mrs. Cunyngame and her family, have you gone round the institution and seen the inmates? Only on the occasion of a feast or dinner to the inmates. 2056.

* NOTE (on revision):—I omitted to state, in answer to the third last question, my reason for advising Mrs. Cunyngame to retain the book. It was this, I said: "If you part with the book, which is your own private property, you will have no record to refer to when any of the inmates apply for their balances, &c." I believe these money transactions were private ones, mutually agreed upon between Mrs. Cunyngame and the newly-admitted inmates who had money about them.—R. V. GALE.

2056. After Mr. Cunynghame's suspension you wrote her a letter to this effect:—

"I have known Mrs. Cunynghame, of the Macquarie-street Asylum, for many years. I have also been in the habit of visiting the asylum, and I have reason for thinking Mrs. Cunynghame very attentive to the wants and comforts of the inmates."

W. Brown,
Esq., M.D.
15 July, 1890.

In reference to that letter, Mr. Maxted, in his evidence, question 965, is asked if he thought you were a man capable of judging, and he answered that you had not an intimate acquaintance with the institution, and were only a superficial observer,—I ask you if, during the time you were visiting the place, you went through it thoroughly? Yes; during the time I was visiting the institution for Dr. Rowling—during that month.

2057. Having visited the institution once since Mr. Maxted was appointed, have you found any reason to change the opinion expressed in that letter no? No.

2058. I suppose you went about among the inmates on that feast day? Yes.

2059. Did you hear any complaints? No.

2060. After Mrs. Cunynghame was suspended, did you see Dr. Violette and have any conversation with him about her suspension? Not that I remember.

2061. Do you recollect any conversation with Dr. Violette on board a steamer? I do not recollect any conversation with Dr. Violette in which reference was made to Mrs. Cunynghame.

2062. *Mr. Williamson.*] As a matter of fact, you did not visit the Macquarie-street Asylum after Mr. Maxted's appointment until Mrs. Cunynghame's dismissal? I do not know anything about the dates; I was present at one of the feasts.

2063. That would be somewhere about October? I do not remember the date.

2064. I presume you have some faint recollection of a change in the supervision of the asylums? I remember the fact, but not the dates.

2065. Did you visit the Macquarie-street Asylum at any time between Mr. Maxted's appointment and Mrs. Cunynghame's dismissal except on the occasion of the feast? I do not remember going round.

2066. Then of course you could not say anything with regard to the management of the institution during that time? No.

2067. I believe you are connected with the Newington Asylum? Yes.

2068. So far as you can see there has been a change in the management with regard to the dietary scale and so forth? In Newington there has been.

2069. *Mr. Ritchie.*] What caused you to write the letter to Mrs. Cunynghame which has just been referred to? Mrs. Cunynghame wished me to express my view as to whether, during the time I was visiting the institution, I could speak as to her management and attention, and I wrote in accordance with that.

2070. It was at her request you wrote the letter? At her request, and to give information as to what I knew during the time I was attending there.

2071. As far as I can gather from your evidence, you did not attend there officially? Only for a short time during Dr. Rowling's absence.

2072. That was before Mr. Maxted's appointment? I think it was.

2073. Did you at any time give any attention to the working of the asylum? I have been in and out frequently in a private way.

2074. Since Mr. Maxted was appointed? No; I do not think so.

2075. In any of your visits to the institution, did you ever notice any indication of a harsh disposition on the part of Mrs. Cunynghame? No; I never did.

2076. Did you notice anything of the opposite? She always appeared to be very attentive to the wants and comforts of the inmates.

2077. Did she at any time ever show anything like an unkind, harsh, or cruel feeling towards the inmates? No; nothing of the sort, to my knowledge.

2078. You came principally in contact with Mrs. Cunynghame as her private medical adviser? Yes; I have gone into the institution at times during one or two of the feasts, and have gone round in that way, but only as a private individual.

2079. At any of these visits you made on feast occasions, did you see anything remarkable, or that would tend in any direction towards this inquiry? No; everything appeared to be satisfactory. The old people appeared to be very well pleased with the attention given them by all attending there.

Hugh Taylor, Esq., M.P., recalled, and further examined:—

2080. *Mr. Williamson.*] Will you tell me if Mr. Crick ever informed you that he was acting as Mrs. Cunynghame's attorney? Yes. In a conversation which I had with Mr. Crick previous to the Committee being appointed, he said, "Mind you, I am Mrs. Cunynghame's attorney."

2081. *Mr. Ritchie.*] Has he said he has ceased to act as her attorney? I have not spoken to him on the subject since.

H. Taylor,
Esq., M.P.
15 July, 1890.

Rev. Gerrard Addington D'Arcy-Irvine, called in, sworn, and examined:—

2082. *Mr. Bourke.*] You are stationed at Parramatta, I believe? Not now. I left Parramatta in the middle of February last.

2083. Up till the time Mrs. Cunynghame was dismissed from the asylum you were in the habit of visiting it? Yes.

2084. You visited as a clergyman of the Church of England? Yes.

2085. And you were in the habit of holding Divine Service in the building? I was.

2086. How often, on an average, did you go to the institution? I am afraid I could not say accurately now, but I should think about once a week.

2087. I think there was another Anglican clergyman who visited there sometimes? Yes, Archdeacon Günther. I was curate of the parish, Archdeacon Günther was the incumbent, and we had also a lay reader, whose duty it was to regularly and systematically visit the sick there—Mr. Kemmis.

2088. I suppose that you and the other curate and Archdeacon Günther took it in turns to go to this institution? I don't know that we can say that we took it in turns. Sometimes, in regard to the services,

Rev. G. A.
D'Arcy-Irvine
15 July, 1890.

Rev. G. A. services, one of us would hold them two or three weeks running, and then we were occasionally there between the services, and after the services it was not an uncommon thing for the clergyman to go through the wards and see some of the patients.

D'Arcy-Irvine

15 July, 1890.

2089. Then you had a good opportunity of seeing the institution and its working? I think so.

2090. When you were there, going about amongst the inmates, did you receive any complaints from them as to the treatment they received? On one occasion only did I receive anything that could be called in the nature of a complaint.

2091. Was that a serious matter? I think not.

2092. I suppose you investigated it? I knew that the person who spoke had, before the Commission which was held some time before, said something of what he said to me. I therefore knew there were others who had had an opportunity of listening to the same individual, and whose duty it would be to investigate the matter.

2093. In going about amongst the people, were you alone or accompanied by Mrs. Cunynghame? Usually I went alone.

2094. I suppose that every time you went there you saw Mrs. Cunynghame on the premises? Usually, I think.

2095. Did you ever see Mrs. Cunynghame manifest any harshness towards the people? No, never.

2096. You saw her going about amongst them, tell us please what her manner was to them? She gave me the impression of being a capable officer.

2097. And you never saw her treat the inmates unkindly or harshly? I never saw anything of the kind.

2098. And you never had any complaint of any such thing? I never had any complaint of any such thing. I may as well say, with reference to the matter I referred to a little while ago in answer to your question, that the individual was named Rooney, and all I remember is his saying that Mrs. Cunynghame was not what she seemed to me to be.

2099. I suppose the inmates had every opportunity, while you were there, of talking freely to you? I think so.

2100. And they did? I think so. I always encouraged them to feel that, as a clergyman, they might speak freely to me.

2101. The charges against Mrs. Cunynghame are harshness and neglect of duty; you can speak as to those;—you say you saw her when you went there going about amongst the people, and you saw no harshness, nor did you hear of any? I never saw any harshness on the occasion of my visits there, nor did I hear of any. I, of course, read some of the evidence given before a Commission that was held there some time ago, and which evidence appeared in the public press.

2102. You know there was an organ obtained for the use of the inmates? I only know that they had an organ.

2103. Do you know who got that organ for them? I am not able to say.

2104. I believe some ladies in connection with your church visited the institution? Yes.

2105. Will you tell us their names? Mrs. Harris and Miss Wickham always attended to sing and play during the time Divine Service was going on, and Mrs. Harris and Miss Harper were in the habit of visiting the institution every Tuesday to read and pray with the sick; and very capable workers they both are.

2106. Did they ever make any complaints to you about the working of the institution? No; never.

2107. *Mr. Williamson.*] You say you visited the institution once a week; is that correct;—do I understand that is your answer? I think my answer was that I could not state accurately at this period of time, but that I thought about once a week.

2108. When you visited the institution, did you sign a book? Usually I did, but there were some occasions when, being in a hurry, I did not.

2109. When you visited the institution, how long did you stay there on an average? The services lasted about an hour, and sometimes I would stay for half an hour afterwards.

2110. Then I suppose you only visited those portions of the institution to which your attention was directed by the Superintendent? No.

2111. Did you go through the whole of the wards? Not through the whole of the wards.

2112. It was notified to you that certain persons were desirous of seeing you, and you called upon them? Sometimes; but sometimes an inmate in attendance at the service would say something to me which would result in my going to see someone else. It is a long time ago now, but my impression is that I was there about once a week.

2113. From what I can understand from you, you did not go carefully into the question of management and supervision on the part of the lady superintendent—that the half hour was chiefly occupied in paying attention to different members of your flock who were desirous of seeing you? I had nothing to do with the question of management, and did not make it my business to inquire into it; but if there had been anything grossly wrong I believe the inmates would have mentioned it to me. They felt that they could speak to me and that I should listen to them.

2114. You say you read the report of the Royal Commission? I read some portions of it.

2115. Did you, subsequent to that, ask them if they had any complaints to make? I do not remember distinctly asking if they had any complaints to make, for I supposed that if they had anything to complain of they would let me know.

2116. You said something about Rooney; do you not know that a number of others were removed from the institution shortly before Mr. Maxted came into office; did they not complain to you? No; they did not.

2117. If these men have sworn that there has been ill-treatment, as far as Mrs. Cunynghame is concerned, and want of supervision, and all that kind of thing, you are not prepared to deny their evidence? Of course I cannot; I can only say what my impression was of the place going there as I did.

2118. I presume you never visited the institution at night time unless you were specially sent for? No.

2119. *Mr. Ritchie.*] I suppose, when you were talking to the old men they had a great many petty complaints to make about various things? I do not remember their doing so.

2120. You do not remember any particular instance? No; except the case of Rooney, to which I have referred. He was sitting in his chair after the service. I think it was soon after the Commission sat, but as to that I cannot speak accurately now. He said, "Mrs. Cunynghame is not what she seems to you

to

- to be," or words to that effect. With that exception, I do not remember ever hearing anything in the way of complaint.
2121. He did not amplify his statement and explain what he meant? No. I do not think that at that time I encouraged him to do so, simply because I knew that the members of the Commission had had the same witness before them, and it was, therefore, not necessary that I should speak to him about it.
2122. You did not encourage the inmates generally to make complaints to you, did you? I think I showed them, from my general bearing, that if I could be of service to them in any way they had only to use me.
2123. Was it your general impression that they were well provided for and looked after as far as the management was concerned? It was.
2124. Did you see any symptoms of neglect at all on the part of the management? No; I never saw any symptoms of neglect.
2125. *Mr. Bourke.*] You say you read the report of the Royal Commission? I read portions of it.
2126. You remember, I suppose, that there were some very serious charges in that report against the management of the institution? I do not remember, at this lapse of time, what the charges were.
2127. But you remember perhaps that they were serious? I do.
2128. And, I suppose, reading that report containing those very serious charges would have the effect upon you, that you would look round the asylum when you went there to see if there was anything wrong? It would have the effect of making me go with perhaps greater attention than would otherwise have been the case.
2129. With regard to visiting the whole of the institution, I suppose you considered that the sick wards were your especial charge? I have already said that, according to the division of work in the very large parish of St. John's, at Parramatta, Archdeacon Günther had arranged with Mr. Kemmis, the lay reader, that it should be his especial business to visit the sick. I occasionally visited them, sometimes after the service, and from time to time on other occasions.
2130. What I mean is, that if you visited any part of the institution at all it would be more likely the sick wards? Yes.
2131. And I suppose that if you did not happen to go there to conduct Divine Service, either the other curate or Archdeacon Günther would go there? There were two services every week—one on Sunday and one on Thursday.
2132. Then one clergyman from your church would attend regularly twice a week—Thursdays and Sundays? I think, during the time Mrs. Cunynghame was there, it was the custom of the lay reader to take the Sunday morning service. I have taken it regularly more recently. I have been to the institution so very often from time to time during the time of Mrs. Cunynghame and Mrs. Brooke, that I cannot undertake to speak with perfect accuracy as to the frequency of my visits, but I have already said that they occurred about once a week.
2133. I only wanted to elicit the fact that there was some one connected with your church there at least twice a week? Yes. I may add that, both from Mrs. Cunynghame and Mr. Maxted, and every one else whom I met at the institution, I always received the greatest attention, kindness, and courtesy.

Rev. G. A.
D'Arcy-Irvine
15 July, 1890.

Mrs. Emma Payten called in, sworn, and examined :—

2134. *Mr. Bourke.*] You have been a resident of Parramatta for some time I believe? Yes.
2135. And you have been in the habit of visiting the charitable institutions there? Yes; more particularly Macquarie-street.
2136. And you visited there up to the time Mrs. Cunynghame was dismissed? Yes.
2137. Were you present at a feast given by Mr. Quong Tart and some other gentlemen in October, 1888? I have been present at every feast there given by Mr. Quong Tart.
2138. Do you remember anything particular taking place on the occasion of the last feast? I do not remember anything very particular. Everything went on very nicely.
2139. Was there anything taking place amongst the inmates;—what did they do that day? They presented Mrs. Cunynghame with a basket of flowers and an address.
2140. I suppose you could judge of the feelings of the inmates on that day at any rate? Oh, yes; they all seemed very nice indeed—every one of them.
2141. You can tell us from what you saw what was the feeling manifested towards Mrs. Cunynghame by the inmates? They all expressed a very nice feeling indeed.
2142. And they presented her with an address and a basket of flowers? Yes; for her kindness.
2143. Did you see Mr. Hugh Taylor there on that day? Yes.
2144. Do you know whether he had a quarrel with anyone there? I am sure I could not say. I did not hear of any quarrel with anybody.
2145. Did you hear a conversation between Mr. Taylor and Mrs. Cunynghame on that day? No. I had the keys of the storeroom, and I was giving out the beer to the old men.
2146. Did you hear Mr. Taylor say to Mrs. Cunynghame that she wanted minding? No; I did not hear Mr. Taylor say anything to Mrs. Cunynghame. I was on the platform when the old men gave the basket of flowers and when the address was read, but Mr. Taylor was not on the platform at the time. Mr. Guy, I think, read the address for the old men, and the lady visitors collected on the platform to see it presented.
2147. On the night of the feast, did you go through the hospital wards with Mrs. Cunynghame? I did, at about 8 o'clock.
2148. What did you go there for? Mrs. Cunynghame was distributing their medical comforts, which they had not received during the day.
2149. They had not received the medical comforts in the day time because it was a feast day? Yes. The lady visitors were not aware that the doctor had said that they should have their comforts in the day time. Had this been notified to the lady visitors the patients would have had their medical comforts as well as the beer.
2150. I suppose on that day the lady members of the Committee were practically in charge? Yes; they were all about the building distributing fruit and other things.
2151. And at 8 o'clock at night you went through the building with Mrs. Cunynghame to give the men their medical comforts? It was about 8 o'clock. We went through several of the hospital wards, and particularly into the cancer ward.
- 2152.

Mrs.
E. Payten.
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Mrs.
E. Payten.
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2152. And the morning after (Sunday morning), did you go through again with Mrs. Cunynghame? Yes; Mrs. Gale, a lady friend, and myself went through first, distributed some lollies, fruit, and cake, and then we went with Mrs. Cunynghame to distribute some sucking pig that had not been sufficiently cooked on the Saturday. She wanted to let them have this, and we took it round with some plum pudding.
2153. Do you remember anything taking place with regard to a man named Nimmo? Yes; I was in the ward at the time.
2154. What occurred? Mrs. Cunynghame came in with the sucking pig in her hand, and we were carrying pudding. She said, "I have brought some nice things for you men to-day. This is not Quong Tart's feast day; this is my feast day; and I have brought you some nice sucking pig." The man Nimmo stood up and said, "You can bring us as much of that as you like, and I do not think it would make any of us ill," and Mrs. Cunynghame turned round to him and said, "You are only one, Nimmo; I was not speaking to you only, I mean all of you; I hope it will not make any of you ill."
2155. What kind of a man was Nimmo? He was apparently a young man. I said to Mrs. Cunynghame at the time, although not close to him, "What is the matter with that young man; it is a pity to see him in a place like this," and Mrs. Cunynghame said to me on the door-mat as we were going out, "Well, he has got a disease, I think, they call impudence; I think it is a pity he should be here."
2156. What was his demeanour? I think he was very rude, indeed.
2157. Did he appear to be a young strong man? Yes.
2158. Since this inquiry commenced, have you been to the Macquarie-street Asylum with Mrs. Cunynghame to get some documents? Yes.
2159. Do you know whether she was able to get those documents? I do not think she got what she required.
2160. Do you remember a feast that was given two years before the one we are speaking of now, when there was some fruit and cake and other things left? There was very little left, and what was left was always distributed.
2161. But you remember a feast that was given about two years before the one you have just referred to, when what was left was locked up? Yes; I remember that some things were locked up in the store-room.
2162. Do you know whether they were taken out? They could not possibly be taken out.
2163. Do you recollect whether after the feast in 1886, when the provisions were locked up, there was a party given that night at Mrs. Cunynghame's place, or a ball? There never was a ball.
2164. Well, a party? A few lady friends and others who were there during the day, stayed until about 10 o'clock at night.
2165. They stopped to tea in the evening? Yes; just a few.
2166. Whenever anything was left after any of these feasts, what was done with it? It was always given to the old men next day.
2167. And if anything was left on the occasion of the feast in 1886, do you know whether it was distributed after? I am quite sure that it would have been distributed, because that was always done.
2168. You always took part in these feasts? Yes.
2169. And if anything was left you always distributed it amongst the inmates next day? Yes.
2170. I suppose you visited this asylum pretty often up to the time Mrs. Cunynghame was dismissed? Yes; frequently.
2171. Was she always there when you went? She was always there when I went.
2172. Where would you generally find her? Frequently in the kitchen, and very often down in the yard.
2173. I suppose you had opportunities of seeing Mrs. Cunynghame among the inmates? Yes; very often.
2174. What was her manner towards the inmates—was it very harsh? No; I never in my life saw any harshness on the part of Mrs. Cunynghame.
2175. Were you ever about amongst the inmates without Mrs. Cunynghame? Yes.
2176. Did they ever make a complaint to you? No; never.
2177. Did you speak pretty freely with them? Yes. I have frequently been there. There was one young fellow whom I used often to talk to, and I think that if there had been anything harsh or cruel the lady visitors would have been sure to hear it.
2178. There were other ladies who went there beside you? Yes; a great number.
2179. Did you ever hear of any complaint of harshness being made to them? Never.
2180. *Mr. Williamson.*] From what I can understand, Mrs. Payten, you are a most intimate friend of Mrs. Cunynghame—what we generally call a bosom friend? I do not know. I like Mrs. Cunynghame very well, because I have seen so much of her kindness towards the old men.
2181. But you are in the habit of visiting there as a friend of Mrs. Cunynghame? Yes; I did go there as a friend of Mrs. Cunynghame.
2182. You say you recollect the feast;—do you recollect there being a little dance afterwards? Yes; there was a little dance afterwards.
2183. The young ladies and gentlemen of Parramatta, or a number of them, were invited? No; there was not a number invited—only a few who were taking part at the feast during the day as visitors—a few of the ladies; I could not tell who they were.
2184. I suppose they all had good appetites. When you reached there do you recollect the room where the refreshments were kept being opened? No; I remember Mrs. Cunynghame sending to Granger's.
2185. Do you recollect the room being opened? No. There was never anything taken for Mrs. Cunynghame's house from the old men. I have known Mrs. Cunynghame to send to Granger's for refreshments for whoever came into her own house.
2186. Do you swear that on the occasion you refer to, and the occasion Mr. Taylor has referred to, the room was not broken open and the refreshments used for the people who were at the ball, or the spree, or social, or whatever you may call it? I am sure there was nothing ever taken and nothing broken into that I ever heard of.
2187. Who locked the things up in the room? I am sure I could not tell you.
2188. And you could not tell where the refreshments came from—I mean the refreshments for the dance? Granger, the baker, would send them.

2189. But he would not send the porter or the ale? There was nothing of that kind used.
2190. Not at a social gathering? No; only tea and coffee. I never saw anything else taken into the house, except for the old men, when I have helped Mrs. Cunynghame to take it round.
2191. Did you ever have any conversation with Mr. Taylor with regard to the room being broken into and refreshments being taken out? No; I never spoke to Mr. Taylor on any occasion.
2192. You have given some evidence with regard to a man named Nimmo;—did you not hear Mrs. Cunynghame abuse Nimmo? No; I did not.
2193. Did she not say to him, "You ought to be out of bed"? No. She said, "You are only one Nimmo, and you ought to be ashamed of yourself to be here."
2194. Do you not know that he was ordered by the doctor to remain in bed? Well, he went away very soon afterwards.
2195. When she ordered him out? No; she never ordered him out.
2196. Did not Nimmo say, "Mrs. Cunynghame, I will leave your institution and go to Sydney and get criminal proceedings instituted against you in reference to your conduct"? He did not; not in my presence.
2197. Did not Mr. Cunynghame look at the book in your presence and see an order by the doctor that he was to remain in bed? I do not know anything about the book.
2198. Did she not admit to the man that the doctor did order him to remain in bed—that he was suffering from a disease which made it essential that he should remain in bed? No; I have told you exactly what I heard.
2199. What time of the day was it when you went round with Mrs. Cunynghame? It was between 11 and 12 o'clock on Sunday morning.
2200. Were you spending the Sunday there? No; I went there on purpose to distribute the things so that they should not spoil—I mean the sucking pig.
2201. Why could not Mrs. Cunynghame do that? Because there were so many things to be distributed, and myself and another lady friend went round to all the wards.
2202. Do you not know that a dispute and a grievance arose with regard to the vegetable garden? No; I do not.
2203. Do you not know that the men threatened to leave if the vegetables were sent out of the institution to Mrs. Cunynghame's friends? No; I know nothing at all about the vegetables.
2204. *Mr. Bourke.*] With regard to the party to which reference has been made, do you remember how many people were there? I could not tell you. There were not a great many—just a few.
2205. Were they mostly ladies? Yes; most of them would be ladies.
2206. And you say that it was all over at 10 o'clock? Yes.
2207. You were about the institution during the day distributing the fruits and other things brought there for the old men, and I suppose if the same things were brought in at night to be distributed amongst the visitors at Mrs. Cunynghame's private house you would have known them? Yes. Nothing was ever brought in to Mrs. Cunynghame's from the old men.
2208. As a matter of fact, whatever refreshments you had there that night did not belong to the feast? No; they came from Granger's. His man brought them on a long tray.

Mrs.
E. Payten.
15 July, 1890.

Mrs. Grace Rutter called in, sworn, and examined:—

2209. *Mr. Bourke.*] You are the widow of the late Dr. Rutter, formerly visiting surgeon of the Macquarie-street Asylum? Yes.
2210. And you were in the habit of visiting the asylum up to the time of Mrs. Cunynghame's dismissal? Yes.
2211. On the occasions when you went to the asylum, would you go amongst the inmates yourself? Yes. If I found that Mrs. Cunynghame was not in her house I went round the institution until I found her. Sometimes I would find her in the garden, sometimes in the kitchen, and sometimes in the yard. She told me that I need not wait for her, but that I was to go where I liked to find her.
2212. Then you had a good opportunity of observing the inmates and the management of the institution? Yes.
2213. I suppose you were present on feast days? Yes.
2214. Do you remember the last feast which Quong Tart gave in October, 1888? Yes; I was there.
2215. And you saw the inmates present a basket of flowers and an address to Mrs. Cunynghame? Yes.
2216. I suppose you can tell the Committee what is your opinion of the feeling of the inmates on that day towards Mrs. Cunynghame? I thought they were delighted. I never heard a complaint or a word against her, and I thought they were all very delighted and very pleased with her. I am sure Mrs. Cunynghame knew nothing of the presentation, because the lady visitors who got it up told me so beforehand, and said it would be quite a surprise. The men on that occasion seemed very pleased, as they did at all times. During all the time that I have been visiting there I have never heard an unkind word said of Mrs. Cunynghame, nor have I ever heard a complaint against her. The men were in the habit of coming to Dr. Rutter at all hours, and at all times, even to our own private house, and they all spoke in the very highest terms of the kind treatment of Mrs. Cunynghame.
2217. I suppose you have seen men belonging to the institution both inside and outside? Yes.
2218. And you were in the habit of talking freely to them? Yes.
2219. Did they make any complaint to you? Never. I never heard a man complain against Mrs. Cunynghame all the years that I was visiting there, nor do I think they had any occasion to do so.
2220. We have spoken of the feast that took place in October, 1888; there was one that was given two years before that, when some of the things provided for the inmates were left;—do you know what became of those things? I recollect that in the evening Mrs. Cunynghame went to the room—her room—and Mrs. Payten and myself followed after her, and some bottles were emptied, and there was a tin—
2221. *Mr. Williamson.*] What kind of bottles? Bottles that contained brandy which were used by the visitors on the feast-day—by the committee and their friends.
2222. *Mr. Bourke.*] Were these some things left over? There was a tin containing about 1lb. or 2lb. of biscuits. Mrs. Cunynghame picked up the tin as we walked from the room. There were some children playing on the green in front of the long room who rushed up to her, and she turned the tin over for the children. That was all I saw brought out of the room.

Mrs.
G. Rutter.
15 July, 1890.

Mrs.
G. Rutter.
15 July, 1890.

2223. If anything is left from the feasts, do you know what is done with it afterwards? The men were supposed to get it, and Mrs. Cunynghame would always invite one or two ladies to help her to distribute them the next day.
2224. Did you ever help in the distribution? Yes.
2225. Can you remember whether you did so on the occasion to which I am now referring? At the last feast I do not think I did, for I could scarcely get enough to fill the dishes without going to Mrs. Cunynghame's private table.
2226. I want to know if you distributed anything after the feast that took place in 1886? No; I did not help on that occasion, but Mrs. Payten and Mrs. Gale did.
2227. I suppose you have seen a great deal of Mrs. Cunynghame for some years past? Yes, from the day she entered the institution. I was there before her time. My husband took a great interest in the institution, and we had great difficulty and trouble with the wardsmen there. I was there the day Mrs. Cunynghame entered the institution, and never left visiting it until her dismissal.
2228. And whenever you went there you found Mrs. Cunynghame engaged at her duties? Always. I do not know that I ever found her absent but once.
2229. Something has been said about Mrs. Cunynghame using Billingsgate;—I suppose you never heard any of that? I never heard her speak unkindly, or raise her voice and speak in an unladylike manner.
2230. You are a sister of Mr. Hugh Taylor, are you not? Yes.
2231. *Mr. Williamson.*] You say you visited the institution up to the time Mrs. Cunynghame left? Yes.
2232. Have you visited it since? No.
2233. Why? I thought Mrs. Cunynghame so unkindly and unjustly treated that I could not go again.
2234. You seemed to take an interest in the institution, and not in Mrs. Cunynghame? I did.
2235. If you took an interest in the institution and not in Mrs. Cunynghame, why could you not visit the institution after she left? Could I go when we were all being upbraided with injustice?
2236. Nobody upbraided you? Yes.
2237. What did they say about you? Not about me, but about all the visitors who were taking an interest in the institution and visiting there. If we considered that Mrs. Cunynghame had done wrong and still upheld her in it, were we not to be considered as bad?
2238. If you took an interest in the institution, why did you not visit it under Mrs. Brooke's management—she is a very nice ladylike person? That may be so; I do not know Mrs. Brooke.
2239. Why do you not visit the institution now? Simply for my own reasons.
2240. During the time you visited there, did you ever see the old men using the grass plot? I have seen them all round it.
2241. Have you ever seen them on it? No; nor do I think it was wise they should go on it. There was a small grass square kept there, and it was green and beautiful to the eyes of the old men, and there were reasons why they should not be allowed on it.
2242. Do you think they used to do the grass any harm? Yes; very great harm.
2243. Plough it up? No; they did not plough it up. When the old men went first on the grass they did what was not very pleasant, and then they were not allowed there.
2244. Did you ever see the horse on it? No.
2245. Or the cow? No; but I know that the children were allowed to lead their pony on the grass the day before it was going to be cut.
2246. I suppose you visited the asylum every day? Not every day.
2247. You were quite the right wing of the institution? No; I went there about every week.
2248. And you went there as a friend of Mrs. Cunynghame? Perhaps so.
2249. With reference to the spree, or social, which took place, do you recollect Mr. Hugh Taylor being at the feast in the day time? I do.
2250. You recollect the occasion when there was a dance? Yes; I saw a lot of cakes and things provided, and Mrs. Cunynghame explained that they were intended for a lot of young folks who had been helping her during the day, and for whom she was going to have a little amusement in the evening.
2251. Were you present in the evening? No. There was not much left from the feast.
2252. *Mr. Bourke.*] The reason why you left off visiting the asylum was because you, and the other friends of Mrs. Cunynghame, considered her treatment as a reflection upon you? We did. We felt it very much. We felt that if Mrs. Cunynghame had been doing anything wrong we should either have censured her or reported it. It was impossible that we could have upheld her in the serious offences she was said to have committed.
2253. You say that if any of these things had been proved you would have felt it your duty to have taken some action? Decidedly.
2254. *Mr. Williamson.*] Did you read the report of the Royal Commission? Some portions of it.
2255. Did you take any action then? What action was needed? No opportunity of defence was allowed. It was simply a Commission for the purpose of censuring Mrs. Cunynghame.
2256. Even when the Royal Commission furnished its report, you did not think Mrs. Cunynghame was deserving of blame? No; and in this I had my husband to uphold me. He was at the institution every day, and twice a day, and I felt that if the Royal Commission had been right he would have known it. I believed her then to be just in her actions, as I believe her to be now.
- 2257-58. *Mr. Bourke.*] Then the reason why you disregarded the report of the Royal Commission was because your husband, having been there once or twice a day, told you it was false? Yes; he told me to place confidence in Mrs. Cunynghame, as he was sure she did her duty.*

Frederick Augustus Rossiter, called in, sworn, and examined:—

- Mr.
F. A. Rossiter.
5 July, 1890.
2259. *Mr. Bourke.*] You are in the Public Asylums Department, I believe? I was, until last April.
2260. What position did you occupy? At the time when I left the Asylums Department I held the position of Officer-in-charge.
2261. Then you were next to Mr. Maxted? Yes.

2262.

* NOTE (on revision):—He could not have told me it was false, as he was dead some time before the Commission took place.

2262. And after Mr. King left the Department, and before Mr. Maxted was appointed, you were Acting Director? Acting Manager we termed it.

2263. The position now filled by Mr. Maxted is termed Manager? That is not quite so. Mr. Maxted holds an amalgamated position, but the position Mr. King held was that of Manager of Government Asylums, which position I filled during his absence.

2264. At any rate you were acting head of the Department? Exactly, so far as the Asylums Department was concerned.

2265. Did you send to Mrs. Cunynghame, at the Macquarie-street Asylum, the following telegram, dated the 26th July, 1888:—

If imbeciles refuse to stay in asylum, and you are unable to detain them, inform the police, and request that a constable may be sent to asylum gate to apprehend them immediately upon their discharge. Shall be in Parramatta to-morrow.

I am unable to say that I sent this. It is the kind of telegram I should have sent under the circumstances, as they seem to be shown, but I cannot say that I remember it.

2266. That telegram says that where imbeciles will not remain in the asylum, and become unmanageable, Mrs. Cunynghame is authorized to put them outside the gate, and send for the police? Yes.

2267. And if Mrs. Cunynghame did that in the case of a man named Thomas Petersen, she was justified by your orders? Certainly. I do not remember the case of Petersen; but if he were an imbecile, and she acted in accordance with those instructions, she was justified.

2268. Were there any rules and regulations for the guidance of Superintendents of these asylums when you were Acting Manager? There were no written rules.

2269. Were there any rules drawn up by any one? There were no rules drawn up which were enforced. I had some rules under consideration, and they were drafted, but none had come into force.

2270. Do you know whether a set of rules were drafted by anybody? The rules I speak of were drafted, but they had not come into force.

2271. Do you know who drafted them? I drafted them myself. There were also some matters in reference to Macquarie-street which, I think, Mrs. Cunynghame suggested.

2272. There was a set of rules drafted by Mrs. Cunynghame, at the request of the Department? There were some rules for the internal management of the institutions—some rules and regulations which the Superintendents carried out themselves, and which had been approved of by the Manager. I understood you, in your first question, to ask whether there were any general rules applying to all the institutions.

2273. You say there were none? No; except what were drawn up by the Superintendents themselves, and which were different at each institution.

2274. Were there any written rules, regulating the internal management of the separate institutions? The only rules of the sort I knew of, were those which were framed by the Superintendents of the various institutions, and approved of by the Manager. That is as to the hour of rising in the morning, and going to bed at night, and such details as that.

2275. Is it usual for the Superintendents of these institutions to avail themselves of the help of the inmates? Certainly.

2276. I mean for their private houses? In the case of Mrs. Cunynghame, the institution was formerly an erysipelas hospital where all infectious cases were taken, and Mrs. Cunynghame used to have the services of certain inmates to do household duties.

2277. In some of the asylums the Superintendents are allowed a certain amount per year for a servant or servants for their private quarters? For any servant they like to engage, they are allowed £26 or £30 a year.

2278. In some of the places? There is an allowance made at one of the institutions.

2279. And at other places it has been usual to allow the Superintendents to avail themselves of the services of any of the inmates who were willing to work? Exactly. There was no difficulty placed in the way of the Superintendents utilizing the labour of the inmates, provided they were not required for the carrying on of the institutions.

2280. You know that for a very long time Mrs. Cunynghame carried on this institution without any paid assistance whatever? Yes, without any assistance, excepting that of the paid inmates.

2281. And they got a very trifling sum indeed? Yes.

2282. She carried it on altogether without any assistance, except that of the inmates themselves? Yes, altogether.

2283. Until a very short time before Mr. Maxted was appointed? Yes; some few months.

2284. Then really only for a few months during Mrs. Cunynghame's tenure of office, she had the assistance of paid officers? Yes; that is so.

2285. Do you remember a blind man named Charles Burns? I cannot say I do at the moment. There are nearly 2,000 inmates of these institutions.

2286. Do you remember a man who was in the isolation ward, and who refused to go out when you went there? Yes; I do.

2287. Do you remember his name? No, I do not; he was a very old man.

2288. At page 44 of the evidence, there is a letter addressed to you by Mr. King in these terms:—

“My dear Mr. Rossiter,

Thanks for your letter. I think you should see Mr. Walker about Mrs. Cunynghame's matter. It is quite impossible for her to continue, unless she can keep order. The people in the asylum are becoming quite insubordinate.”—

Do you remember anything about that letter? No; I do not remember the circumstances.

2289. Perhaps you can tell us whether it is any reflection on Mrs. Cunynghame's management of the asylum at that time? I do not remember anything in the nature of a complaint at all. I do not remember having made a complaint in reference to Mrs. Cunynghame's management.

2290. Do you remember anything at all about the matter? No; I do not.

2291. You see the date of the letter;—do you remember the state the institution was in at that time? I know we had a number of very insubordinate characters at Macquarie-street, and we were frequently insisting upon having the rules and regulations I have spoken of carried out, and it might have been that I had to complain about some matter or other.

2292. Was that letter written in consequence of a request by Mrs. Cunynghame for some paid assistance? I really could not tell you at this length of time.

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- Mr. 2293. Do you remember a report sent in by Mrs. Cunynghame about that time with reference to certain
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- 15 July, 1890. 2294. You were Acting Manager then? Yes, temporarily, in Mr. King's absence.
2295. Do you recollect whether Mrs. Cunynghame made any complaint to you about certain men being insubordinate at that time? I daresay she did. I know it was a very frequent circumstance, when I was visiting the institutions, for the Superintendents to complain of various men.
2296. You do know, as a matter of fact, that there were, at times, some men there who were insubordinate? Oh, yes; that is certainly the case.
2297. And that letter must have had reference to them? As I say, I do not remember receiving this letter.
2298. Do you remember the case of an old man named Holmes, who was an inmate of the Macquarie-street Asylum, and whose wife died at Newington? Yes; I remember Holmes, and I remember his wife.
2299. Do you remember sending any orders for Holmes to go to Newington to visit his wife? Yes; I was in the habit of sending orders whenever the Superintendent applied for them.
2300. That was one order you sent—was it not [*Paper produced*]? Yes; that is quite right.
2301. That is one order for Holmes to go, and you sent other orders besides? I was in the habit of sending orders when any of the inmates wanted to go to see their wives.
2302. At Mrs. Cunynghame's request? Yes.
2303. Then if it has been said that Holmes asked to go to see his wife at Newington, and Mrs. Cunynghame would not allow him, that is not true? I cannot speak of a certain case; but I know it was the practice for Holmes to go and see his wife, as also other inmates.
2304. And that is one of the orders you yourself sent? Yes; the order says, "Forward return pass by steamer from Parramatta to Newington, for John Holmes". I may mention that in those days the Superintendents had not power to send inmates away by train or steamer. They used to have to report the matter to the head office, and we would forward them their passes.
2305. *Mr. Kidd.*] Has that practice been altered? Yes; the Superintendents can now send inmates from one institution to another, upon the doctor's approval.
2306. *Mr. Bourke.*] Do you remember a feast that was given on the 15th October, 1888, by Mr. Quong Tart and some other gentlemen? I am rather hazy about dates, as it is a long time ago; but I remember that entertainments were given by Mr. Quong Tart.
2307. You were present, I suppose, on nearly all the occasions when feasts were given? Yes.
2308. Do you remember being at a feast when the inmates made a presentation of flowers and an address to Mrs. Cunynghame? I have no doubt I was there, because I used to make it a practice to go to these entertainments.
2309. You were in the Department and occupied a position next to that of Mr. Maxted, and of course it would be your duty to look into the management of the asylum when you were present, and see how it was conducted? Not when Mr. Maxted was there. After Mr. Maxted took charge I had nothing to do with the management of the institutions.
2310. But would not any officer of the Department if he were present look round? Certainly.
2311. And on that feast day, about two or three months after Mr. Maxted was appointed, how was Mrs. Cunynghame managing, according to what you saw then? Everything was going along very well, so far as I remember.
2312. And I suppose after Mr. Maxted's appointment you visited the Macquarie-street Asylum sometimes? I used to be in the habit of going there sometimes to take the musters.
2313. After Mr. Maxted's appointment? Yes.
2314. Will you tell the Committee how the asylum was being managed then, as far as you could see? Well, I saw no difference whatever. I saw everything going along very well, or else I should have reported the matter.
2315. Did you see Mrs. Cunynghame going about amongst the men at all? It was her custom to go about amongst them.
2316. And you saw her amongst them, I suppose, when you were there? If she had not been about I should have noticed it.
2317. Did you ever see her there amongst the men at any time since Mr. Maxted was appointed? When I went to take the muster I would only remain there a short time, and Mrs. Cunynghame on those occasions would go round with me.
2318. Were you not there at any other time except when musters were taken? I think not.
2319. When you went there amongst the men to take musters, did you ever receive any complaints from them as to treatment? I think there was an old fellow who was up stairs in the isolation ward who complained, and several others who were semi-imbeciles. It is customary for them to make all kinds of complaints. Many of these people are semi-imbeciles.
2320. Were the complaints they made of a serious character? No.
2321. Did you investigate any of their complaints? Whenever a complaint was made I investigated it in every case—unless in the case of a frivolous complaint by an imbecile.
2322. Unless you thought the case was of too trivial a nature to look into it you investigated it? Certainly.
2323. And did you ever find there was any foundation for the complaints they made? Speaking from memory, I do not remember any.
2324. I suppose you had a good opportunity of seeing whether Mrs. Cunynghame was neglectful of her duties or not? Oh, yes.
2325. And what do you think with regard to that? I think Mrs. Cunynghame had a very difficult position to fill, and she always struck me as being an able and conscientious officer.
2326. And one who attended to her duties? Yes; she was, if anything, a little impetuous; that is the only fault I had to find with her.
2327. I suppose you know that after Mr. Maxted took charge of the asylum a new system of diet was initiated? Yes.
2328. Do you know whether Mrs. Cunynghame carried out that system? I had no means of seeing at the time whether she carried it out or not.
2329. Were you ever there at meal time? No; not since the new diet came into force.
2330. Since Mr. Maxted's appointment, you have been in a position in the Department next to him, and
you

- you are not aware of any neglect of duty on the part of Mrs. Cunynghame, nor of any harshness practised by her? When I was in the position next to Mr. Maxted I was in charge of the Sydney Office.
2331. I suppose the paper connected with any complaint of neglect of duty, or anything of that sort, would go through you? Yes.
2332. And nothing of that kind ever come to you? No.
2333. Did any letters ever reach your office making complaint from the inmates or people who had been inmates? I dare say such matters might have occurred.
2334. Do you remember any such complaints from Macquarie-street after Mr. Maxted's appointment? I really could not say whether it was after or before; but with the class of people we had in these asylums, anonymous letters used to be continually sent in about the institutions.
2335. But nothing sufficiently serious for you to remember? No.
2336. When did you first hear of Mrs. Cunynghame's suspension? After she was suspended.
2337. Not until after she was suspended? No.
2338. Were you ever asked anything about her management or character before her suspension? I think I was asked my opinion about all the officers.
2339. But I mean specifically asked about Mrs. Cunynghame? I do not remember the question coming up.
2340. Then her suspension came as a surprise to you? Yes; it was.
2341. Are you aware that Mr. Maxted's last report with regard to Mrs. Cunynghame is dated 4th December, 1888, and that Mr. Critchett Walker's memo. is of the same date? No; that has not come under my cognizance.
2342. And that on the same day that Mr. Maxted's last report was written, Mr. Critchett Walker's memo. was written on it recommending Mrs. Cunynghame's dismissal, and that on the same day Sir Henry Parkes' minute approving of her dismissal was also written;—are you aware of that? I do not know that I am. I may have seen the papers.
2343. *Mr. Frank Farnell.*] Was it customary for the Colonial Secretary's Department to deal with other matters as expeditiously as they did with this matter? In any case where there is urgency the Colonial Secretary's Office is always ready to deal with it directly.
2344. On the same day? In any matter of urgency the Principal Under Secretary always deals with it at once.
2345. Have you ever known instances where you have submitted papers to the Colonial Secretary's Department, and where they have been dilatory in dealing with them? Never dilatory. In matters that might not be considered of any urgency, they would be dealt with in the course of business, and whenever I have had occasion to represent a matter as urgent, I have always found that the Principal Under Secretary would deal with it as an urgent matter.
2346. *Mr. Bourke.*] Have you ever known a case of a long report being written, a memo. written on it by the Under Secretary and also by the Premier, and its being referred to the Executive Council all on the one day—as a matter of experience in the many sub-departments? I dare say it is done; but as far as our office is concerned I do not think I have ever had any experience similar to this.
2347. During the time you were Acting Manager, did you ever have any dealing with Mrs. Cunynghame with regard to money matters? The only moneys I received from Mrs. Cunynghame were the servants' wages that were refunded.
2348. Did Mrs. Cunynghame tell you that she had some moneys belonging to the inmates? I do not remember her doing so. Of course, I knew she must have such.
2349. You knew she had moneys? Oh, yes.
2350. Was it not the custom in the Department to allow the Superintendents of these asylums to keep the money of the inmates and give it to them as they required it, in sums of 2s. 6d. or 2s. a week? Yes, up to a certain amount. I think this amount was £2. Where the sum was beyond that Mr. King used to take charge of it; but I never had anything to do with these money matters at all.
2351. Do you remember, while you were Acting Manager, Mrs. Cunynghame stating to you that she had some inmates' moneys and wanted to settle up with you? No; I do not remember her saying that.
2352. Do you remember her saying this to you: that she wanted to settle these matters, and you replied "No; wait until I am appointed, or until you have a chief." This was when you were Acting Manager before Mr. Maxted was appointed? No; I do not remember those exact words.
2353. Do you remember at any time Mrs. Cunynghame making an offer to you to settle up about the inmates' money? No; I do not remember it.
2354. Did you not have some conversation with Mr. Critchett Walker, in which it was understood that you were to have been appointed Director? I did expect to be appointed as Manager, as I was an applicant, and naturally, until I was so appointed, and had some authority to act, I should have refused to take over moneys which were perhaps partially spent and manipulated.
2355. In using the word manipulated, I suppose you do not mean that as a reflection upon Mrs. Cunynghame? No. What I mean is this: There was no petty cash in our institutions, and it was the habit of the Superintendents to use such moneys known as collections for petty cash, and then matters were straightened up at the end of the period. Well, I objected to that system, and not feeling myself authorized to take over moneys in that way, I thought I had better wait until I was duly authorized.
2356. Then, if Mrs. Cunynghame had offered you these moneys, and asked you to settle up, you would not have taken them then? No; certainly not.
2357. Will you try to recollect whether, while you were Acting Manager, Mrs. Cunynghame on any occasion said to you that she would like to settle up these inmates' moneys? I do not remember her saying so.
2358. But if she said so you would have declined? Certainly.
2359. Do you know whether Mrs. Cunynghame had Mr. King's authority to keep these moneys in the way she did? No, I do not. I may say I had nothing to do with these collections or moneys while Mr. King was there.
2360. But you knew it was customary for Superintendents to have inmates' moneys in the way that has been shown here? Yes.
2361. *Mr. Kidd.*] In fact, if you had been appointed Manager, you intended to institute a different arrangement to that which existed before? Certainly. I felt that if I took over moneys, and some one else was appointed, he might not feel satisfied with my action.

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2362. That is the reason why you did not take them over? Yes. This was the course adopted in regard to all the institutions except Liverpool.
2363. *Mr. Bourke.*] You had so many visits to these institutions while you were acting manager that you cannot recollect exactly what took place at each? No. I do not profess to recollect everything that happened two years ago.
2364. Then it is possible that Mrs. Cunynghame did offer you these moneys? Yes; but I do not think she did offer them to me.
2365. Is it not possible that she mentioned the matter to you, and that you told her you would not take the moneys over until you were appointed? The only way in which it could have happened is this: She may have said, "Well, what about these moneys?" or something of that kind.
2366. *Mr. Ritchie.*] Did she ever present a statement to you? No.
2367. Then it would have been simply a conversation? If such a thing happened it would have been in the nature of a conversation.
2368. You are not sure whether a conversation took place about it? I am not sure. It is three years ago.
2369. What was the custom in other institutions with regard to these moneys? The custom was that the superintendents were supposed to incur small liabilities by the purchase in the town of fish for a sick inmate, for instance, or ice, or anything of that kind, for which they paid cash. There was no petty cash allowed them, or no fund from which to obtain this money. It was the habit in some of the institutions for the superintendent to use the money in hand for this purpose, and at the end of a certain period to adjust the account.
2370. *Mr. Ritchie.*] Was the ready cash used by the superintendents in this manner moneys collected from the inmates? I think it consisted of any moneys they happened to have in their hands. I do not think any of them kept any proper accounts, with the exception of Mrs. Burnside, at Liverpool.
2371. What I mean is this: Mr. Maxted, in his report, states that moneys were held by Mrs. Cunynghame to the amount of £33;—were these moneys used by the superintendents of these institutions to make such purchases as you have referred to? I do not know that they were in this case, but I know it was done in some cases.
2372. Was it the custom in some of the other institutions? Yes.
2373. *Mr. Williamson.*] Dead men's moneys? I do not say any particular moneys, but any moneys that might have been in hand, and that was the reason I objected to take them over.
2374. *Mr. Ritchie.*] Then there was a debit and credit account kept in reference to the men's deposits with the superintendent? I presume there was. I never saw it. As I have said, I had nothing to do with the moneys.
2375. *Mr. Bourke.*] You said you did not think the management of money matters was quite satisfactory in these asylums? I do not remember saying that.
2376. I thought you said that if you had become manager you [would have initiated a different system? Quite so.
2377. Then you did not approve of the system that was in vogue when you were there? No.
2378. Did you issue any fresh instructions regarding the keeping of money matters in the asylums? No, I did not. I may mention that the reason I did not was that as soon as ever Mr. King retired from the position I made application to be appointed acting manager, which the Colonial Secretary declined, on the ground that he was about to make the appointment in the course of a few days, and from that time out I was expecting every day that either I should be appointed, or that a manager would be appointed.
2379. How long were you acting? For ten months—that was up to August; but for some considerable period previous to that Mr. King had been ill and unable to attend to his duties, and I had been acting during that time.
2380. *Mr. Frank Farnell.*] Did the Colonial Secretary appoint your successor within the two or three days mentioned? No; he did not appoint him until the following August, and that was at the commencement of January. From the period between January and August I was expecting that the appointment would be made every day, and consequently I did not give any instructions.
2381. *Mr. Williamson.*] They did not appoint a manager at all;—as a matter of fact they were re-organizing? Yes.
2382. *Mr. Bourke.*] In your dealings with Mrs. Cunynghame, did you find her untruthful? Oh, no.
2383. Would you consider, from your intercourse with the asylums, that she was dishonest? No, not at all—in no way.
2384. Or neglectful? No.
2385. Or unkind? No. Of course if I had considered that such was the case it would have been my duty, and I should have immediately done so, to report the matter.
2386. Do you remember a man named Donald M'Donald getting an admission order to go to the Macquarie-street Asylum, and that an authority was written on the back of his order authorizing Mrs. Cunynghame to retain £10 that he had? No, I cannot say I do.
2387. Do you remember any man getting an order to go to the Macquarie-street Asylum, and an authority being written on his order for Mrs. Cunynghame to retain the £10? No, I do not remember it.
2388. You say you remember going to the isolation ward on one occasion, and that there was a man who had been put there several times? Yes, I remember that very well.
2389. Was the man blind, do you remember? I do not remember that he was blind. I fancy, as far as I can remember, that he had rather sore-looking eyes.
2390. Do you remember whether his name was Burns? No; I do not remember his name.
2391. Was he a troublesome man? I fancy that the man I mean was a semi-imbecile.
2392. Do you remember a young man being in the isolation ward who was sent from George-street to Macquarie-street? I remember that there were two men whom Mrs. Cunynghame brought under my notice particularly, but whether one was a young man or not I could not say at this length of time.
2393. Do you remember one man who would not go out when you requested him to do so? Yes.
2394. Do you remember his name? No; but I remember the circumstance. I thought he was a foolish old man or an imbecile, and I advised him to go out about his usual avocation.
2395. In what way did he behave? He behaved like an imbecile.

2396. As far as you saw you had no complaint to make in regard to Mrs. Cunynghame's management of the institution? Not during the time I was in charge.

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2397. *Mr. Williamson.*] You say that the Colonial Secretary's Office did not do anything for ten months;—they did not appoint a manager again, did they? I would not say that they did not do anything for ten months, but a director was not appointed until the 1st August. The matter was under consideration all that time, I know.

2398. They amalgamated three offices, did they not? Yes.

2399. And they abolished the office of manager altogether? Yes. I mention that, owing to that, I was prevented from getting promotion.

2400. Did you ever peruse the books which Mrs. Cunynghame had in reference to the inmates' moneys and the dead men's moneys? No; I do not think I ever did.

2401. Do you recognize the books I now show you? No; I never had anything to do with these books.

2402. Were they brought under your notice? I do not remember ever having seen them before. As I have said, previous to my taking charge I had nothing whatever to do with these moneys. Mr. King kept all that matter in his own hands, and when I took charge, and found what the system was, I declined to have anything to do with them.

2403. Were you at any time ever furnished by Mrs. Cunynghame with a detailed list of the moneys she had in hand? No.

2404. Supposing she had brought you any moneys, such as dead inmates' moneys and fat moneys, would you have taken them and placed them to a suspense account, or paid them into the Treasury? If she had brought me moneys, stating that they were for certain specific items, which I had a right to accept, I should, of course, have accepted them; but as matters had gone on for some months previously, and the accounts were in a mixed-up condition, I did not care about touching them at all.

2405. What should have been done first of all with the dead inmates' moneys? What should have been done was to hand them over to the manager once a month.

2406. And what would the manager do with them? He would pay them into the Treasury.

2407. In the case of moneys belonging to deceased inmates, which, when small, are treated as Government property, would you have accepted them and paid them into the Treasury? I should certainly have accepted them if they had been submitted separately from other accounts. But what I mean to say is that I would not have accepted moneys all mixed up together, and certain payments having been made out of them.

2408. If the dead inmates' moneys had been submitted to you by themselves, together with a detailed list, you would have accepted them and paid them into the Treasury? Certainly.

2409. If Mrs. Cunynghame had tendered you the moneys realized from the sale of fat belonging to the institution, with an account of when they were paid, and so forth, would you also have received those and paid them into the Treasury? Well, the chances are that I should have said, "You had better have them all squared up at once; you had better not pay them in piecemeal."

2410. Do you ever remember Mrs. Cunynghame offering you any fat moneys? No, I do not.

2411. I suppose if she had you would have remembered it? I think so.

2412. Mrs. Cunynghame, in her evidence before the Committee, question 2157, was examined as follows:—

Will you enumerate the different sources from which these moneys came? To begin with, when Mr. Rossiter was acting manager he would come repeatedly, and I would say to him, "Mr. Rossiter, you had better have a settling up of money matters with me." I did not say to him, distinctly or separately, "Deceased inmates' moneys—I want to hand these moneys over to you." I said this in a general way, in the same way that I said it to Mr. Maxted, "I want to have money matters settled with you." Fat money I spoke of distinctly as wishing to settle up.

Did she speak distinctly about fat money? Well, I do not remember. You must remember that there were four institutions to look after, and I was very short-handed. I had only two clerks to assist me in the clerical duties, and to look after the management and everything, and I cannot remember every detail.

2413. Do you recollect seeing Mrs. Cunynghame's evidence in print since this inquiry has been instituted? Yes; I have glanced through it.

2414. Did you, on seeing that evidence, say it was not true that she had offered moneys to you? I do not remember doing so. I do not remember seeing that she had said she had offered me moneys.

2415. Did you, furthermore, say to anybody, "Do you think it at all likely I would refuse to take money"? No.

2416. Did you ever write to Mr. Maxted in connection with this matter? Yes.

2417. Would you know your own handwriting? Certainly.

2418. Is that your signature? Yes.

2419. Listen to this: "In the case of moneys belonging to deceased inmates, these are, when of small amounts, treated as Government property, and I should have accepted them as such, and paid them into the public Treasury?" That is quite right.

2420. And this: "I never remember Mrs. Cunynghame offering me any moneys during the time I was acting as Manager of Asylums, except for refunds of servants' wages. To the best of my belief no such offer has ever been made by Mrs. Cunynghame?" Yes, that is quite right.

2421. Did you keep any book in the office in which to record a list of the dead men's moneys handed in? As I have said, I never received these moneys.

2422. *Mr. Ritchie.*] You are cognizant of the work of the office and the books that are kept? All matters in reference to the receipt of moneys were kept in a small cash-book, of which Mr. King had entire control. I never touched the money receipts or anything while Mr. King was there, and after Mr. King left all I dealt with were the receipt from Liverpool, because that institution used to render a monthly account of all their collections, and their payments used to come in on vouchers, and everything was clear, and I used to take those moneys of course and pay them into the Treasury. In reference to the other institutions I would not touch the moneys at all. I would not take the responsibility of interfering with them.

2423. *Mr. Kidd.*] But it must have been passing through your mind that something was brought under your notice by Mrs. Cunynghame with regard to a settlement, because you seem to have been impressed with

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with the idea that as soon as the matter was definitely settled as to whether you were going to be appointed manager, you would keep the accounts differently to what they had been kept? Exactly. But I did not speak then in reference to Macquarie-street alone. There are four other institutions, and I referred to the system in reference to all of them.

2424. That is your answer with regard to a specific question being put as to certain moneys;—that your impression now is that you had made up your mind not to have anything to do with the moneys until you became manager? Exactly.

2425. *Mr. Ritchie.*] Then you must have thought that the management of this particular matter was irregular? Yes. I may say that I had a conversation with Mr. King in reference to the matter, and it was upon his advice that I acted.

2426. Was anything done to remedy the matter after Mr. Maxted's appointment? After Mr. Maxted was appointed we had a petty-cash fund allowed for each institution, and things were on a different system altogether.

2427. And the men's deposits were not used for petty cash? No.

2428. I asked a question on the same point a little while ago—are you quite sure that the men's deposits were not used for petty cash at any time in Mrs. Cunynghame's institution? As I have said, after Mr. Maxted took charge I did not have the examination of the asylum books at all. I had nothing to do with them, so that I do not know how the money was used. I know that I used to receive the voucher of petty cash, and used to check it, but whether that money was paid out of inmates' moneys or not I could not say, although I do not think so.

2429. But those vouchers contained nothing that would show whether the men had deposited money or not? No, those vouchers would not.

2430. *Mr. Williamson.*] Do you recollect the Treasury inspector coming round? Yes.

2431. Do you recollect in October, 1887, opening a public account with the Bank of Australasia? I remember opening a public account.

2432. For what purpose? I had five public accounts opened.

2433. Do you recollect opening one for the purpose of dealing with whatever moneys might be paid to you from the managers of the institutions? Collections—yes; but that account was opened before.

2434. But, in October, 1887, you opened this particular account, and, as a matter of fact, did you not have moneys received from other institutions in connection with inmates and so forth? I think Mrs. Dennis paid me in a sum of £10 which she found on one man, and I took it because she was frightened to keep it in the house in case it might be stolen.

2435. Did not Mrs. Burnside also pay in some money? Yes; Mrs. Burnside paid in her collections every month, and I accepted them every month, because that had been the regular custom for years in connection with that institution, and everything was clear.

2436. Did not Mrs. Hicks also? No.

2437. Do you say that? I say that Mrs. Hicks did not pay in her accounts monthly.

2438. Did you not pay into that account at the Bank of Australasia a sum of £18 16s. 8d. received from Mrs. Hicks? Before Mr. Maxted was appointed? I do not think so. Mr. Maxted settled up with her himself.

2439. You have a recollection of opening an account for this purpose;—did you intimate to Mrs. Cunynghame that it was essential for her when you opened this account to furnish you a list of the inmates' moneys and the dead men's moneys? I have a recollection of sending to the superintendents some minute as to the way their collections were to be paid in. This was after Mr. Maxted's appointment.

2440. When was Mr. King superseded? In 1887—Mr. King retired.

2441. Was it when Mr. King retired that you opened this account for your own protection? Yes.

2442. Then you are satisfied that after Mr. King was superseded, in the month of October, 1887, you opened this account? Yes.

2443. When you opened this account in 1887, did you send a notification to the respective superintendents asking them to furnish a list of the inmates' moneys and the collections? No; I do not remember doing so.

2444. What was the notification then? I understood you to be speaking of the time after Mr. Maxted was appointed, because we then made some different banking arrangements.

2445. If you opened this account for a particular purpose, what was the necessity for opening it if you did not furnish the superintendents with a notification to pay the moneys? For this reason: Moneys were paid into my hands, not necessarily by the superintendents, but when inmates came to apply for admission into an asylum and they had money I did not want to keep the money in the office, but thought it proper to pay it into a banking account. That was the purpose for which I opened the account.

2446. What about the moneys the superintendents would pay? As I have said, the only moneys I received from the superintendents were moneys received from the Liverpool Asylum, which I would pay into the Treasury on the 1st of the following month.

2447. None from Mrs. Dennis? I think a sum of £10, which Mrs. Dennis had from one man, which I have already mentioned.

2448. Are you sure that is the only sum? That is the only sum I remember; I do not think there was any other sum, but my books will show.

2449. What was done then with the fat at Newington and George-street Asylums? The same system that went on under Mr. King went on then, and I gave the superintendents to understand that they would have to settle up with whoever was appointed manager.

2450. So far as the fat moneys were concerned? So far as the collections were concerned. I do not say anything about fat in particular.

2451. Do you not know that immediately after Mr. Maxted was appointed they were all settled up with, with the exception of Mrs. Cunynghame? Of course they were all settled up with.

2452. Take first of all the Newington Asylum—you see, according to the statement I hand you, that on the 7th August, 1888, seven days after Mr. Maxted's appointment, £15 was paid in for fat? Yes.

2453. And right on subsequently up to June, 1889, payments were made? Yes, quite so.

2454. Did you ever speak to Mrs. Cunynghame after Mr. Maxted's appointment as to how it was she did not pay her fat money in or pay her deceased inmates' money in? No, I do not remember doing so.

2455. This occurs in Mrs. Cunynghame's evidence, question 2208 :—

Then you did offer all the dead inmates' moneys you had to Mr. Rossiter before Mr. Maxted's appointment? Repeatedly; they were not very large sums, but I never liked to keep them, and I paid them over about every month or six weeks.

Mr.
F. A. Rossiter.
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Is that true? She never paid them over to me.

2456. Is it a fact that she repeatedly offered them to you? I do not remember her doing so.

2457. But if she repeatedly offered them to you you would recollect? I do not remember any money being offered to me at all.

2458. And when you wrote the statement I showed you everything was fresh in your memory;—it was written two years ago, on the 9th August, 1888? That was twelve months after I had given up charge.

2459. Surely, if she had repeatedly offered them to you, you would remember? If she had repeatedly offered them to me I think I should have remembered.

2460. *Mr. Kidd.*] How long were you there after Mr. Maxted was appointed? I was there until within three months ago.

2461. *Mr. Williamson.*] Did you never make any inquiries at all about fat money? No. As I say, I did not go into the accounts at all. I was expecting my successor to be appointed.

2462. Were you aware that Mrs. Cunynghame was receiving money for the fat in lieu of soap? No; I did not know what practice was carried out in reference to those matters. I had nothing whatever to do with the collections at all. Mr. King had those matters all in his own hands.

2463. But after Mr. King was superseded, were you aware that he had been receiving moneys for the fat in lieu of soap? I had an idea that soap was received occasionally. I did not know what the arrangements were, but I knew soap was received, because when the accounts came in I used to notice some difference in the quantity of soap charged for the month, and I would draw Mr. King's attention to it, and he would say, "Oh, that is in consequence of the fat being exchanged for soap." That is all the information I had with regard to it. I hope the Committee will understand that although I may appear by this evidence not to have given very much attention to such a matter as fat, yet I had the whole management of the four institutions, with only two clerks to assist me with the clerical work, and having 2,000 people to look after, my time was fully occupied, without looking after little trifling matters such as these. That must be my excuse for not going into these little matters so fully as I should otherwise have done.

2464. *Mr. Frank Farnell.*] Has the staff been increased since you left? Oh, yes.

2465. *Mr. Kidd.*] And I suppose an additional reason is that you had no suspicion of anything going wrong? No; I had no idea of it.

2466. That is to say, if anything did go wrong you had no suspicion of anything of the sort? I had no suspicion whatever.

2467. This evidence was given by Mr. Maxted, question 118 :—

Why were they there then? There were certain men kept about the institution to do work. Mrs. Cunynghame kept a number of these men in her own private kitchen—and I am sorry to say this, because it reflects upon Mrs. Cunynghame's honesty—rationed them from the Government stores. She put them down on the pay-sheet as holding fictitious positions. For instance, her cook was put down as the head wardman, a position which he never filled. This was the plan adopted. There was a man in the institution named Thomas Ghost. That man, between the years 1885 and 1888, was put down on the pay-sheet, and paid by the Government £19 15s. 5d. He is variously named on the Government pay-sheet as cook, as having charge of the reading-room, as a deputy in No. 4 hospital, as gate-man, and soil-heap man; yet he states that he never held those positions, but was employed in Mrs. Cunynghame's kitchen during the whole of the time.

First of all with regard to the fictitious pay-sheets; you have heard this statement of Mr. Maxted that men were employed in Mrs. Cunynghame's kitchen, and put down in the capacity of wardmen, soil-heap man, gatemen, and so forth;—were you aware that that was going on? During Mr. King's time he used to allow the superintendents a great deal of latitude as to putting down men on the pay-sheet. A man would not necessarily occupy the same billet for the whole month, and Mr. King used to allow the superintendents a great deal of latitude in rearranging the pay-sheets. So long as the work was done, and the amount charged to the Government each month did not exceed what he thought was a fair thing, he used to be satisfied.

2468. Was he satisfied then with fictitious pay-sheets—a man employed in the kitchen as Mrs. Cunynghame's servant being put down in the pay-sheet as head wardman or gatekeeper? Oh, no; a man who was on a permanent job was supposed to be put down on a permanent position.

2469. I will read the following extract from Mrs. Cunynghame's evidence, question 2631.

Will you read the document? It is as follows :—

Macquarie-street Asylum, 8/4/85.

Memo.—In reference to your memo., 1/4/85, relative to the services of deputy in cancer ward, also the services of the fever-cottage warder and female erysipelas wardwomen, although absolutely they are not in this case doing duty, their money is distributed amongst others whose avocations are not shown in the pay-abstract, viz.: carpenter, tinsmith, shoemaker, milkman, and second gardener, and others.

The Manager.

S. CUNYNGHAME.

Will you read the endorsement on that memo? The endorsement is as follows :—

This explanation shows that you receive £1 16s. 2d. for which you do not produce receipts. Allen, Fleming, and Jackson have signed for what they have not received. *This arrangement must not be continued.* If it is necessary that the carpenter, tinsmith, &c., should receive pay their names should appear on the pay-sheet. You are exposed to much blame in this matter, as the pay-sheet is wrongly acquitted.—F. KING, 10/4/85.

Did you ever see that memo? Yes.

2470. After having seen that letter, were you aware that that system was still being carried on? But I did not see that letter until recently.

2471. You knew there were certain pay-sheets made out? Yes.

2472. Were you aware that men who occupied positions in Mrs. Cunynghame's kitchen were put down as wardmen, gatemen, soil-heap men, and in other capacities? No.

2472½. If you had, would you have allowed it to continue as manager? No, I should have allowed no irregularities whatever. If the superintendent required the reasonable services of any of the inmates not otherwise employed she could always obtain them.

Mr. F. A. Rossiter.
15 July, 1890.

2473. *Mr. Frank Farnell.*] If a man were engaged three-fourths of his time as gatekeeper or soil-heap man, and the other fourth of his time in Mrs. Cunynghame's kitchen, would it be a proper system to put the man down according to his occupation during the three-fourths of his time? No; he would be allowed so much a day, say 2d., 3d., or 4d.

2474. But supposing he were a gatekeeper and he worked a fourth of his time in the kitchen he would be returned as gatekeeper? Yes. The principle acted upon was that the superintendents were allowed to get whatever service they could out of the inmates, so long as the work of the institution was properly carried out. In fact, as far as I was concerned, I rather encouraged the principle that men who were able to work should work, because I objected to so many people loafing about in the asylums and doing nothing at all.

2475. *Mr. Kidd.*] Supposing one man occupied four different positions during the month, and in each position he was entitled to 3d. a day, would you consider it a very grave irregularity if he chanced to be cook at the end of the month and were put down as cook for the whole period? No, certainly not.

2476. *Mr. Ritchie.*] Were there different rates of pay? Yes.

2477. A gatekeeper would not get as much as a man in the kitchen? Not necessarily. The gatekeeper at some institutions was paid more than at others.

2478. A man who would cut wood would get more than a man who would keep the gate? Well, it might be so, or it might not.

2479. Still there would be a difference? Yes; very often it would depend on a man's character what he would get.

2480. If a man were employed in the kitchen and he were put down as a gatekeeper, would you consider that proper? No, certainly not.

2481. And *vice versa*, if he were gatekeeper and were returned as being in the kitchen? Certainly not. The idea should be that men should be put down to the duties they performed as nearly as possible.

2482. Could any difference be made in the pay-sheets or the amount of pay by misrepresenting the positions which the men filled? The way in which it was done was this: There was a certain amount allowed every month to each institution, and there were certain duties to be performed. At the end of the month I used very carefully to check the accounts to see that they did not exceed the amount of the previous month, and if so, it used to be my duty to query that and to find out why such was the case, and where the authority of the superintendent was for such increase in pay. In this way I know as a matter of fact that if there was a man who had worked well, say as a whitewasher, and whom the superintendent thought deserving of some little encouragement, and another man who was wardsman left, say, on the 15th of the month, this deserving man would be allowed to be put down in that position and to draw the extra salary as an inducement for him to keep on working at the asylum.

2483. *Mr. Bourke.*] The whitewasher would be allowed to be put down as wardsman? He would be allowed to draw the pay as wardsman.

2484. *Mr. Frank Farnell.*] In the Railway Department—and it is the case in other Government departments—a man may be put down as porter and be paid porter's wages, though at the same time he would have to discharge other duties, such as those of assistant guard or shunter, or he may be looking after a gate. Although he performs these other duties, it is not regarded as an irregularity if the man is put down on the pay-sheet as John Smith, porter, at so much a day. If a similar system were adopted in your department, and a man worked for a fourth of his time as cook, or in any other capacity other than that for which he was returned on the pay-sheet, would you consider such a thing a dereliction of duty on the part of the superintendent? It would be quite unnecessary in our case, because we have so much extra labour to be utilized.

2485. *Mr. Williamson.*] The point is this: Supposing these men were employed in Mrs. Cunynghame's private kitchen for her benefit, were they entitled to be paid out of the Treasury, and to be put on the pay-sheet as gatemen, wardsmen, and soil-heap men? No.

2486. Have you ever known it to be done at any other of the institutions—at Newington, Liverpool, or George-street; in those institutions have men been employed privately for the benefit of the superintendent, and then been put down in the pay-sheet as wardsmen and soil-heap men? No; I think not.

2487. *Mr. Frank Farnell.*] Do you know of your own knowledge that this was done in the Macquarie-street Asylum? No, I do not. There used to be a very bad system in reference to paying these people. They would have an office put down at 2d. a day. Well, an inmate perhaps might have an assistant to help him. They would have perhaps 12s. during the month to draw, and out of that they would have to give 2s. 6d. to one man, and 1s. to another for assisting them. Instead of getting three receipts they would only get one receipt, and the inmate would divide the money between himself and the others who assisted him.

2488. *Mr. Ritchie.*] It is a fact that Mrs. Cunynghame had a private kitchen of her own, and that there was also a public kitchen? Yes.

2489. You were not aware of these men being employed in Mrs. Cunynghame's private kitchen, and being paid out of the Government fund? Just so, although I was aware of their being employed.

2490. *Mr. Kidd.*] I suppose anyone in Mrs. Cunynghame's position was allowed some latitude with regard to employing inmates;—even although it was termed her own private kitchen it was all within the establishment? Oh, yes. As far as I was concerned I always encouraged it, so as to make everybody work who was able to work.

2491. *Mr. Frank Farnell.*] You spoke of Mrs. Cunynghame being impetuous;—could that be construed into meaning harshness? No; I think Mrs. Cunynghame was a very strict disciplinarian. She had a very awkward and bad lot to do with, and she was very strict no doubt, and for that reason I used to be in the habit of sending disagreeable cases to her, because the institution is closed in, and you can keep a better eye on the people there than you can at George-street.

2492. How long were you connected with the Department of Charities? About nine years.

2493. How long were you acting manager? I was acting manager the last time about ten months. I had previously whenever Mr. King was absent taken his position temporarily.

2494. And during the time you were acting for Mr. King, and after he severed his connection with the institution, did you ever find Mrs. Cunynghame guilty of neglect of duty? No; I do not remember any occasion on which I had cause to find fault with her in that respect.

2495. Did you ever find it occur that when you issued an order to her there was wilful disobedience of that order on her part? No. We used to get on very well together. She used to assist me all she could.

2496. During your term as acting manager, did you ever know Mrs. Cunynghame to be guilty of untruthfulness? No. It never struck me that she was untruthful.
2497. So that with regard to the charges of harshness to the inmates, neglect of duty, repeated disobedience of orders, and general untruthfulness, as far as your knowledge goes in your position of Acting Manager of Charities, you never had occasion to have one of those charges brought under your notice? Not personally, I had not. Of course these things happened after I had given up altogether.
2498. Do you know Mr. Hugh Robison? Yes.
2499. Have you ever heard why it was that he did not attach his name to the report of the Royal Commission? Because he believed the Commission was such a farce. I may mention in reference to the Commission that the asylums in those days were under a kind of triple authority. First of all there was the Manager of Government Asylums; there was the Medical Adviser, who appointed the medical officers, and the medical officers had charge of the hospital patients and all medical matters; and, thirdly, there was the Inspector of Charities. The Commission was composed of the Inspector of Charities, not the Medical Adviser but the Deputy Medical Adviser, and a magistrate. The asylums were not represented on the Board; the other two departments were.
2500. *Mr. Ritchie.*] You referred once or twice to insubordination on the part of some of the inmates of the Macquarie-street Asylum;—what was the character of that insubordination? At the previous inquiry there were several men who had been brought into notoriety, and they were too big altogether for any institution. There was a man named Baird and several others. They were a very bad lot indeed, and they were never satisfied with anything. If I had not been very firm with them the place would have become unmanageable.
2501. Were they specially sent to Mrs. Cunynghame's institution? No; I do not remember that they were specially sent there, although I have frequently sent men that I wished to keep an eye upon into Mrs. Cunynghame's institution, because, as I have said, you could keep a better eye upon them there.
2502. If you did not send that class of insubordinate characters to the institution, would the insubordination of which you have spoken not arise from some other cause, such as laxity of discipline? It might be so. But in the days of which I speak there was no officer in the place to look after the institution except the superintendent; there was not a paid officer in the whole building, and I do not mean to say that the discipline was as it should be, or as I should have wished it to be. We had to do the best we could with the material at our disposal.
2503. Did you have anything to do with the dietary scale prior to Mr. Maxted's appointment? Yes.
2504. And after Mr. Maxted was appointed? No, not afterwards.
2505. You did not know whether Mrs. Cunynghame was capable of carrying that dietary scale out according to Mr. Maxted's orders? I knew nothing at all about the matter after Mr. Maxted took charge.
2506. You never had an opportunity of observing that? No; I had nothing to do with the asylums then.
2507. *Mr. Kidd.*] Did I understand you to say that while you were acting manager extremely difficult cases were sent to this asylum? Yes—bad cases—men I wanted to keep an eye upon—men, for instance, who were not quite right in their heads, and whom I did not want to wander away from the place. We had a means of shutting the gates there, which we had not got at any of the other institutions.
2508. But you had full confidence in the management of Mrs. Cunynghame or you would not have sent them there? Oh, yes; I had full confidence.
2509. *Mr. Frank Farnell.*] Did any of the men ever make any complaint to you? Oh, yes, they made complaints; but I do not know of anything of a serious nature.
2510. *Mr. Ritchie.*] What was the character of some of the complaints? Oh, they were frivolous complaints, such as old people are apt to make.
2511. The want of any particular thing? No; they were of a very trifling nature, as a rule. Sometimes they would complain of having their tobacco stopped.
2512. Did you ever hear an instance of any of them requiring slippers or spectacles, or anything of that kind, that was necessary to their comfort;—did you ever hear them complain that they could not get these? No; but I have known cases over and over again where I have had to reprimand the superintendent for allowing the men to cut their boots. These old people have bad feet, and when they get new boots they cut them across, and on several occasions I have had to complain of this.
2513. Would it not be better that they should cut their boots than that they should suffer? Yes; but they should be given old boots or slippers.
2514. I suppose that frequently occurs at all these institutions? Yes.
2515. But you do not consider that a serious matter? No, certainly not.
2516. She could not be with the inmates all the time? No; but I thought that Mrs. Cunynghame might have given instructions to the wardsmen that if a man had sore feet he should be supplied with old boots, and not new ones.
2517. *Mr. Kidd.*] And then I suppose they would grumble? Yes, I dare say they would.
2518. *Mr. Ritchie.*] I suppose while you were acting manager you had very little opportunity of observing Mrs. Cunynghame's management, with the exception of a hasty official visit that you would make? I was there at all times of the day, and sometimes at all times of the night, up to midnight.
2519. What was your business there during those times? The reason I went there at night was that I heard a complaint on one occasion that the men were not allowed to talk in the night, and I wanted to go and see for myself how matters stood.
2520. And you stayed there a number of hours? I went up on purpose, and went in late, unexpectedly.
2521. Were you there very frequently in that way? No, not very frequently—several times.
2522. Were you there much in the day-time? Yes.
2523. For a long time on each occasion? I used generally to stop about a couple of hours.
2524. *Mr. Williamson.*] Did you sign the book every time? No, I did not.
2525. *Mr. Ritchie.*] What was your general impression of Mrs. Cunynghame's manner to the inmates generally—you must have had a good opportunity of judging? Yes; the opinion I formed was that, as long as a man was sick, and there was anything the matter with him, and he was well-behaved, he got very well looked after and considered; but if he was inclined to be obstreperous, and disagreeable to himself and everybody else, he got very little sympathy.
2526. *Mr. Kidd.*] And, I suppose, you did not think he deserved much? No.
2527. *Mr. Ritchie.*] What was Mrs. Cunynghame's general bearing towards those quiet old men who

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were

Mr. F. A. Rossiter. 15 July, 1890. were not giving any trouble at all, but who were passing their lives in the place in a quiet unassuming way? She was kind and attentive to them.

2528. Did she appear to take much interest in them? She was interested in them. She did not gush over them, or anything of that kind, but I was very well satisfied that she fulfilled her duties towards them.

2529. *Mr. Frank Farnell.*] What is your opinion of the buildings at Macquarie-street? They are most unsuitable. They are old stables converted. When I took charge of the place that is now the hospital it had stone flags in it, and I took the responsibility of having the floor taken up and boarded.

2530. *Mr. Ritchie.*] I suppose you are aware that the eastern wing was originally a series of old workshops? I believe it was, and also stables and barracks. The buildings were in a dreadful state when the Department took charge of them, and there was no roof on them.

2531. *Mr. Williamson.*] But Mr. Maxted has made a wonderful improvement in the place in regard to management and so forth? Oh, no doubt.

2532. He has achieved a wonderful success in that direction? Yes, although I take a great deal of that credit to myself. During the whole time I was in charge there were no complaints whatever.

2533. *Mr. Frank Farnell.*] You were preparing for the appointment; you were indirectly promised as Manager of Public Charities? Exactly. I was not promised the position, but I certainly expected to obtain it on account of my successful reorganization.

2534. *Mr. Kidd.*] I suppose when you get command of the purse-strings it is easy to manage? Well, they were always very good to me. I never recommended anything that was not carried out.

2535. *Mr. Williamson.*] After Mr. Maxted was appointed there was no difficulty with the old men, was there? Oh, no.

2536. There was no keeping your eye on old men, then, and all that kind of thing? Perhaps you misunderstood me about keeping my eye upon them. I mean to say that if a man is a semi-imbecile he wants to be enclosed.

2537. You were asked with regard to Mr. Robison: "Do you not know, as a matter of fact, that the reason why Mr. Robison did not sign the report of the Royal Commission was because of his being implicated by the report in the general mismanagement of the asylums?" That was certainly not what Mr. Robison told me.

2538. *Mr. Frank Farnell.*] What did he tell you? He told me that the report was absurd, and that he could not put his name to it.

2539. *Mr. Ritchie.*] What had he to do with the institution? He inspected it—he was Inspector of Public Charities.

2540. And he would, to some extent, be responsible for the proper management of these institutions? Not for the proper management, but if they were mismanaged he would be responsible for reporting the fact.

2541. Then he would have an indirect responsibility upon him? Certainly.

2542. *Mr. Williamson.*] The following occurs in Mr. Maxted's evidence before this Committee, question 582:—

Mr. Williamson.] You have a synopsis of the pay-sheets? Yes; it is as follows:—Joseph Wallace, now in Macquarie-street Asylum, was employed as cook in Mrs. Cunyngame's kitchen in June and July, 1883; he was paid £1 9s. 6d. Government money, and was entered on the pay-sheet as a hospital wardsman. Thomas Beale, from February to May, and from August to October, 1883, was employed as cook in Mrs. Cunyngame's kitchen, for which he received £5 6s. of Government money, and he was entered on the pay-sheet as a hospital wardsman. H. Le Chong, whereabouts not known, was employed in Mrs. Cunyngame's kitchen as cook in November and December, 1883, and in January, 1888, for which he received £2 6s., and he was entered as a hospital wardsman on the pay-sheet. Hugh Farley was employed in Mrs. Cunyngame's kitchen from February to December, 1888, and in January, 1885; he was paid £9 3s. Government money, and was entered as a hospital wardsman on the pay-sheet. William Millar, now in Liverpool Asylum, was employed as cook by Mrs. Cunyngame from February to December, 1885, and from January to July, 1886, for which he received £13 13s. Government money, and he was entered as a hospital wardsman on the pay-sheet. Thomas Ghost was employed from March to December, 1885, as butler by Mrs. Cunyngame during these periods—from January to December, 1886; from January to December, 1887; January, 1888; from February to May, 1888; and June and July, 1888; for which he received £19 15s. 5d. Government money, and he was variously entered on the pay-sheets as third cook, as being in reading-room, as being a deputy in No. 4 hospital, as being a gateman, and as being a soil-heap man. Peter Bottana was employed by Mrs. Cunyngame as cook—from August to October, 1886; from January to February, 1887; for which he received £3 15s. 6d.; he was entered as a hospital wardsman. James Heathcote was employed as cook by Mrs. Cunyngame in November and December, 1886, for which he received £1 10s. 6d. of Government money; he was entered as a hospital wardsman. John Pearman was employed as cook during half of March, 1887, by Mrs. Cunyngame; he received 7s. 9d., and is entered as a hospital wardsman. Felix Cummings was employed the other half of March, and from April to November, 1887, and also from February to June, 1888, as cook by Mrs. Cunyngame, for which he received £10 5s. 3d. Government money; he was entered as a hospital wardsman. Henry Halmarick was employed in January, 1888, and from February to August in the same year, as cook by Mrs. Cunyngame, for which he received £6 2s. of Government money, and he is variously entered as hospital wardsman, and as having had charge of the reading-room. These different amounts represent a total of £73 13s. 11d.

Have you gone through those pay-sheets? I went through them at the time, certainly.

2543. Did you believe at the time when you went through them and checked them that those men were employed in the positions set forth in the pay-sheets? Certainly. I see that some of these men are put down as hospital cooks. The food of some of the hospital patients used to be prepared in Mrs. Cunyngame's private kitchen.

2544. Was that within your knowledge? Yes.

2545. Was the work in Mrs. Cunyngame's kitchen done by these men continually, or only periodically? I could not say, of course, whether it was done by these particular men.

2546. *Mr. Kidd.*] Your evidence is, that you passed these pay-sheets believing that they were correct, and you know nothing more about them? Yes.

2547. *Mr. Bourke.*] The answer to the question that has just been read to you is, that you know nothing more about it, except what you see there? No; I know nothing more about it.

2548. For instance, it says here—"Joseph Wallace, now in Macquarie-street Asylum, was employed as cook in Mrs. Cunynghame's kitchen in June and July, 1883";—do you know whether he was employed as cook or not? I really could not say; the period you refer to was seven years ago.

2549. Do you know whether the memo. on this paper is in Mr. King's handwriting? It is.

2550. Whose handwriting is on the other side? It is a memo. from Mrs. Cunynghame, and is as follows:—
Macquarie-street Asylum, Parramatta, 22 April, 1878.

To the Manager of Infirm and Destitute Asylums, Sydney.

MEMO.—Be kind enough to authorize the following payments, viz., J. Ramsay, for attending on Chinaman supposed to be suffering from leprosy, 4d. per day; Peter Connolly, 1d. per day extra; John Renfrey, for attending to coal and firewood, 2d. per day; and 6d. per day to John Elms, for acting as overseer to workmen in yard.

S. CUNYNGHAME,
Matron.

Mr.
F.A. Rossiter.
15 July, 1899.

2551. Will you kindly read the memo. on the back of that, initialed by Mr. King? It is as follows:—

"Let Ramsay appear as wardman to the erysipelas ward at 3d., and leave out the leprosy. I will give Ramsay 10s. for taking care of the case. The other increases are approved. Renfrey is not entered."

2552. Does not that memo. authorize Mrs. Cunynghame to employ a man as a leprosy wardman, and to put him down as an erysipelas wardman? Yes, it does.

2553. You said you knew that all the superintendents had inmates' moneys? Yes.

2554. And they were authorized to pay small sums to the inmates as they wanted them? Yes.

2555. Then there was nothing wrong, I suppose, in the fact of one of the superintendents having a certain amount of inmates' moneys in her possession? She had a right to have it.

2556. You were there for ten months as acting manager, and as a matter of fact you would not take any of these moneys over? What I said was that I would take a specific item. For instance, suppose a man came in and £10 was found on him, and the superintendent said, "I cannot keep this money"—in such a case I would take the money from her and put it into a trust account, but I would not take over moneys which had been received during a lengthened period (and out of which expenditure had been met) without being duly authorized to do so.

2557. *Mr. Kidd.*] But I think you gave evidence of this kind—that you expected almost every week that you would get this appointment, and you did not want to arrange about these accounts until you were appointed as manager? Exactly.

2558. You did not know but that the appointment would be made at any moment? I thought it was going to happen every day.

2559. *Mr. Bourke.*] And consequently if Mrs. Cunynghame or any other superintendent had an accumulation of ten months' moneys in her possession you would not consider that she was dishonest? No, certainly not; she would have a right to have them.

2560. And you acknowledge yourself that it was a bad system of paying the men? Oh, yes; I say it was a bad system.

2561. Whose fault was it that it was a bad system? Well, we were very short-handed, and the superintendents had no assistance whatever.

2562. It was not the superintendent's fault? It was not done at her request certainly. The thing grew from a very small thing up to what it was then. The Macquarie-street Asylum grew from fifteen patients to what it is at the present time. At some time, Mrs. Cunynghame had nearly 400 men under her charge.

2563. Did Mrs. Cunynghame ever have an accountant to keep her books? No; she had the assistance of one of the inmates.

2564. Did she ever have a set of books given to her with orders as to the way in which she should keep the separate moneys? Not to my knowledge.

2565. She was simply to keep them as best she could—was that so? As far as my knowledge goes it was. As I have said, I knew nothing at all about these moneys previous to my taking charge.

2566. *Mr. Ritchie.*] She was at liberty then to pay these moneys into her own account whilst she had them in charge? I do not think the superintendents had any instructions given them in reference to that.

2567. Was she entitled to put the money into her own account? She was not entitled to do so. A public officer ought to open a public account for that purpose.

2568. Would you approve of her paying them into her own private account? No; if it had come to my knowledge I would not have done so.

2569. Then you never thought it your duty while you were acting manager to inquire about that matter? I should have considered it my duty if I had known I was going to be in the position for anything like a period of ten months.

2570. But expecting the matter to be settled almost every day you put the thing off? Exactly.

2571. *Mr. Bourke.*] There were some moneys paid in from the Macquarie-street Asylum even while you were acting manager? I remember receiving the surplus from the pay-sheet, as I have already mentioned (surplus wages). It occurred in this way: Suppose a sum of £20 were sent to the asylum to pay the servants for the month; if any of the men had left during that period the sum so represented would be refunded, and I would pay it back into the Treasury to meet the requirements of the Audit Office, but this money is altogether different from the moneys you were formerly asking about, which are known as collections.

2572. If one man got 3d. a day as gateman and another man 4d. a day as wardman, would the extra 1d. be given owing to the position or because the recipient was a better man? It was very frequently because the man was a better man.

2573. It was a personal thing? A man's character had a great deal to do with it.

2574. And it was not attached to the position at all? Not necessarily attached to the position.

2575. *Mr. Ritchie.*] Do you remember the rates that these men were paid for the various positions they filled? They were paid from 1d. a day up to 1s. a day.

- Mr. F. A. Rossiter. 2576. Could you enumerate how they were paid, beginning, say, with the gatekeeper? A gatekeeper would get about 3d. a day, a wardman would get from 4d. to 6d. a day, and I think the erysipelas hospital wardman used to get 1s. a day.
- 15 July, 1890. 2577. What would the cooks get? Some of the cooks would get 4d., some 6d. a day; the gardener, I think, got 6d. a day, the whitewasher got 4d., and the night-soil man, I think, got 4d.
2578. Mr. Bourke.] Do you know whether Mrs. Cunynghame wanted to settle these money matters with Mr. Maxted? No, I do not.

William Richard Sterling called in, sworn, and examined:—

- Mr. W.R. Sterling. 2579. Mr. Bourke.] What are you? By profession a solicitor's managing clerk.
- 15 July, 1890. 2580. You have been for some time past an inmate of the Macquarie-street Asylum? I was an inmate up to the 26th October last.
2581. What are you now? I am clerk at the asylum.
2582. Then you are paid now as a Government clerk? I am.
2583. When did you go into the asylum first? I think it was on the 13th November, 1888.
2584. Were you in bad health? Yes. I met with an accident in Sydney by which my leg was broken. I was taken to the Sydney Hospital, where I remained a month, and after my leg was put in plaster they told me they were going to send me to a convalescent home, and they sent me from there to the Macquarie-street Asylum.
2585. And you were there from the 13th November till the following October;—you were engaged, were you not, in collecting evidence in connection with this inquiry for Mr. Maxted? Yes, I have been round and collected evidence.
2586. Who authorized you to collect this evidence? In the first place, Mr. Maxted asked me to do it.
2587. Did you take some of the evidence that was given before the Public Asylums Inquiry Board amongst the inmates and show it to them? No.
2588. Or to the attendant? No.
2589. Did you have it there at all in the asylum? No.
2590. Did you make any promises to any of these men? None whatever.
2591. Or use any threats? Not the slightest in any way. On the contrary, they were only too anxious to volunteer the evidence to me.
2592. What pay did you receive? None whatever.
2593. But you have since been rewarded by a clerkship at the Government expense? After my leg was well enough for me to move about I wanted, naturally, to do something. Mr. Abbott was clerk at that time, and I offered to help in the office, as he was getting old and decrepit, which I did. I acted at the office until the time of Mr. Abbott's death without any fee or reward. When he died—shortly before his death I should say—I was appointed in his place, and since then I have had his pay.
2594. And you have been down here in Sydney in attendance outside at every meeting of this Committee? I have. I have been coming for my chief, Mr. Maxted.
2595. For what purpose were you present? To look after things that it was very necessary to look after—our papers here to-day, for instance.
2596. Who paid your fare to Sydney and back? The Government, of course; I am a Government official.
2597. Are you getting any extra pay for attending? No.
2598. Mr. Frank Farnell.] What pay do you get? I am getting the magnificent salary of £4 3s. 4d. a month, and board and lodging.
2599. Mr. Williamson.] As a matter of fact, were you not requested by Mr. Maxted simply to take the statements of these men, and to make no threats or promises, but to let them give their evidence as they thought fit? That is so.
2600. Mr. Maxted informed you that he did not want to come into contact with any of these men, so that they might give their evidence impartially and free from any control? That is so.
2601. When did you go to the asylum? I think it was the 13th November, 1888.
2602. That was before Mrs. Cunynghame's dismissal? Yes. I saw her twice when I was in the hospital.

MRS. CUNYNGHAME, LATE SUPERINTENDENT OF MACQUARIE-STREET
ASYLUM FOR INFIRM AND DESTITUTE, PARRAMATTA.

APPENDIX.

[*Handed in by the Chairman.*]

A 1.

My dear Mrs. Cunynghame, Ashfield, 29 November, 1888.
I was much surprised to see by the daily papers that you were suspended, and that you are accused of insubordination and untruthfulness.

I can only think that you are considered to have acted in an insubordinate manner because you have failed to carry out some direction which you felt, from your experience as to the internal management of the institution, would be subversive of discipline and the good order of the Asylum; but I am confident that you would not willingly commit any act which could fairly be considered insubordinate. I have known you for twelve years in your present position, and, of course, as Manager of the Asylums, till the 31st December, 1887, had every opportunity of noticing your action, and I can safely assert that a more obedient, painstaking, and trustworthy officer could not be found in the Civil Service, while the skill with which you worked up the Erysipelas Hospital, which was started in 1875, to the large Asylum as it now stands, has been so apparent that it has elicited approval from all parties, and must assure the Government that in you they have a highly efficient and reliable officer.

I never knew you to be untruthful, and cannot believe for a moment that you would be guilty of deception, or would try to mislead those with whom you are connected.

Your kindness to the inmates and attention to their wants have been testified to so frequently by the old people of the Asylum, and by those who have had ample opportunities of observing your action, that I cannot think you can be justly charged with harshness and vindictiveness towards those placed under your care.

Hoping that your suspension will be speedily recalled, and that you will be reinstated to a position which, in my opinion, you are so well qualified to fill.

Yours, &c.,
FREDERIC KING.

A 2.

Dear Mrs. Cunynghame,

Ashfield, 16 June, 1890.

On reading the report on your case which is now being inquired into by the Parliamentary Committee, I find that my letter to Mr. Rossiter, dated 6th May, 1887, has been used to show that I had lost confidence in your management of the inmates of the Macquarie-street Asylum. I merely intended that Mr. Rossiter should point out to the Principal Under Secretary that unless your authority was upheld by the Colonial Secretary, and the order "that no inmates were to be discharged for ill-behaviour" was withdrawn, it was quite impossible that such inmates as Roy, Rooney, and Baird, whose conduct at that time was much complained of, could be controlled. I regret that my note to Mr. Rossiter should have been used to show that it was my opinion that you should be dismissed. I always had the greatest confidence in your management, and considered you a most capable and reliable Superintendent.

Your kindness to the inmates was testified to by hundreds of the old people, and I never knew you to be harsh in your treatment of them. I also notice that you are blamed for utilizing the help of the inmates in your kitchen house, and I am able to state that you were quite authorized in this action, especially as much of the cooking for the hospital patients and the erysipelas wards was prepared in your kitchen.

With regard to the inmates' money, you quite carried out my directions in retaining any money found on inmates under £2, so that you could dispense it in small sums, as the old people wished to have it; generally 1s. 6d. or 2s. was allowed per week; all amounts over £2 were paid to me, to be returned to you as the money in your hands became exhausted.

As to untruthfulness, I never, during the eleven years you worked under my management, found that you deceived me, and I always found you a very straightforward matron, and one particularly anxious to do your duty.

Mrs. Cunynghame.

I remain, &c.,
FREDERIC KING.

A 3.

Sir,

21 November, 1888.

I have the honor to report that, in accordance with the Colonial Secretary's directions, I have suspended Mrs. Cunynghame from her office of Matron-Superintendent of Macquarie-street Asylum for Infirm and Destitute, Parramatta.

(2.) Pending a permanent arrangement, I have placed the institution in charge of Mrs. Brooke. I know this lady to be highly qualified, and I therefore venture to respectfully recommend her appointment in event of Mrs. Cunynghame's dismissal.

I have, &c.,
SYDNEY MAXTED,
Director.

Critchett Walker, Esq.,
Principal Under Secretary.

A 4.

Dear Mrs. Brooke,

9 December, 1888.

Kindly adhere to the weights, &c., in the dietary cards I furnished you with. Mr. Abbott will be able to help you with the calculations. I am acting under advice, intentionally staying away from the Asylum until after Monday, when Mrs. Cunynghame will be away. Acting also under advice, I did not let you know you were to be appointed, but I find an indiscreet friend did so; there was a motive in keeping this from you; you were really appointed before you left the Colonial Secretary's office the other day. I will see you early on Tuesday morning, all being well, and then after frequently.

Yours, &c.,
SYDNEY MAXTED.

Mrs. Brooke,
Macquarie-street Asylum, Parramatta.

A 5.

Dear Madam,

I am summoned by the Cardinal to Sydney at 11 to-morrow, on important business of the Church, and must attend, of course.

I would most gladly attend your Commission and bear my testimony to the efficient manner in which I saw you managing the Macquarie-street Asylum at Parramatta during the many years that I was visiting clergyman to that institution.

I always considered your superintendence both kind and considerate, as well as efficient, in your very trying circumstances.

Prospect, 24 September, 1889.

I am, &c.,
JOHN RIGNEY,
Archdeacon.

A 6.

Dear Mrs. Cunynghame,

St. John's, Parramatta, 15 November, 1889.

My attention has been drawn to a letter of mine, addressed to Mr. Maxted and printed in the Progress Report of the Select Committee, on your case. If, as I gather, the letter is used to show that I have changed my opinion, and that my note of sympathy addressed to you in November of last year no longer expressed my views, allow me to assure you that I still adhere to my statement, viz., that I always considered you attentive to your duties and kind in the treatment of the men under your charge. My experience is also that of the curate's, who held services and visited regularly, and that of the lady visitors.

Dr. Rutter and Dr. Brown have, on several occasions, spoken to me about your work in the highest terms.

The conversation I had when I accidentally met Mr. Maxted, for a few minutes in the train, had no reference to your general work, but, so far as I remember, to the consequences that would necessarily follow if you neglected, as he maintained you did, to carry out his instructions with reference to the diet of the inmates, and to the disposal of their money entrusted to your care.

I regret that I cannot find time to read through the Progress Report. I need hardly say that I shall be very much surprised if the charges which have led to your dismissal can be proved.

My knowledge of the Asylum extends over the whole period during which you had charge, and though my visits were not so frequent latterly under our present division of ministerial work, there was a time when I visited regularly—two and three times a week.

Yours, &c.,
W. J. GUNTHER.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MRS. CUNYNGHAME.
(PETITION OF—TO BE HEARD BY COUNSEL.)

Received by the Legislative Assembly, 8 May, 1890.

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of the Colony of New South Wales.

The Petition of Sarah Cunynghame, now residing at Parramatta, in the Colony of New South Wales, the wife of George Cunynghame of the same place,—

HUMBLY SHOWETH:—

1. That, on the first day of May instant, in the year of our Lord one thousand eight hundred and ninety, your Honorable House appointed a Select Committee, with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame, your Petitioner, from the position of Superintendent of Macquarie-street Asylum for Infirm and Destitute.

2. And your Petitioner humbly prayeth that your Petitioner may be heard by Counsel or Attorney before the Select Committee of this Honorable House appointed to inquire into and report on the said matter.

And your Petitioner, as in duty bound, will every pray.

S. CUNYNGHAME, Parramatta.

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MRS. CUNYNGHAME.

(PETITION FROM SYDNEY MAXTED TO BE REPRESENTED BY COUNCIL BEFORE SELECT COMMITTEE SITTING ON CASE OF.)

Received by the Legislative Assembly, 8 May, 1890.

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

The Petition of Sydney Maxted, Director of Government Asylums and Boarding-out Officer, of Sydney, in the Colony of New South Wales,—

HUMBLY SHOWETH:—

1. That on the thirtieth day of April, in the year of our Lord one thousand eight hundred and ninety, your Honorable House appointed a Select Committee, with power to send for persons and papers, to inquire into and report upon the removal of Mrs. Cunynghame from the position of Matron Superintendent of Macquarie-street Asylum for Infirm and Destitute, which removal it became the painful duty of your Petitioner, Sydney Maxted, to recommend, in his official capacity, to the Government.

2. That your Petitioner humbly prayeth that he may, in his official capacity, be represented by Attorney before the Select Committee of your Honorable House appointed to inquire into and report on the said matter, with the right to call witnesses and adduce evidence, and examine and cross-examine such witnesses as may give evidence before the said Committee.

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

SYDNEY MAXTED.

Sydney, 6th May, 1890.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. CHARLES EGESON, LATE MAP-COMPILER, OBSERVATORY.
(CORRESPONDENCE RESPECTING REMOVAL OF, FROM PUBLIC SERVICE.)

Ordered by the Legislative Assembly to be printed, 28 November, 1890.

CORRESPONDENCE respecting charges of insubordination and neglect of duty against Mr. Charles Egeson, late Map-compiler, and respecting his subsequent removal from the Public Service.

(3.) DISMISSAL OF MR. EGESON FROM OBSERVATORY:—Mr. McCourt asked the Minister of Public Instruction,—

- (1.) Has Mr. Egeson been dismissed from his position at the Observatory?
- (2.) Was an inquiry held at the Observatory into Mr. Egeson's conduct?
- (3.) If so, who conducted the inquiry; what was the nature of the charges; and the decision arrived at?
- (4.) Will he lay all papers in regard to Mr. Egeson's dismissal upon the Table of this House?

Mr. Brunker answered,—

- (1.) Yes.
- (2.) No, as the nature of his conduct rendered an inquiry unnecessary.
- (3.) Mr. Egeson was charged with neglect of duty and insubordination.
- (4.) Yes.

SCHEDULE.

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MR. CHARLES EGESON, LATE MAP-COMPILER, OBSERVATORY.

No. 1.

The Government Astronomer to The Under Secretary for Public Instruction.

Sir,

Observatory, 1 August, 1890.

I have the honor to report that Mr. Charles Egeson has absented himself from duty for the past three days, viz., July 29th, 30th, and 31st, without leave, and without excuse either by letter or medical certificate.

On several previous occasions Mr. Egeson has absented himself in the same way, and after the last one I called his attention to the necessity for his obedience to office rules.

I enclose my memos. and his replies. The latter breathe a spirit of insubordination, which, if not checked, will render it impossible to maintain order in the Observatory.

The same disregard for my authority is shown by Mr. Egeson in minor matters, and when I spoke to him quietly about this, he told me "he would do as he liked." Already I can see signs of his example affecting some of the other officers, and I therefore recommend that Mr. Egeson be reprovved sharply for disregarding official rules.

I regret, however, to add that I am convinced it would be better for the Public Service if Mr. Egeson's services were dispensed with altogether.

I have, &c.,

H. C. RUSSELL,

Government Astronomer.

[Enclosures.]

Memo. for Mr. Egeson.

20 May, 1890.

You were absent without leave on the 7th, and again on the 8th, of this month. It will be necessary for you to obtain leave for these days, or furnish satisfactory reasons for your absence.

H. C. RUSSELL.

20 May, 1890.

Sir, In the attendance-book will be found this entry on the 9th instant :—" Absent on 7th and 8th through illness," which should be satisfactory reason and sufficient explanation for the same.

H. C. Russell, Esq.

CHAS. EGESON.

20 May, 1890.

MR. EGESON must know that it is the rule in the Observatory that any absence without leave during office hours is to be reported to me on the first opportunity, either verbally or by letter, and Mr. Egeson must conform to the rule.

H. C. RUSSELL.

21 May, 1890.

Sir, I object to the use of the word "must." It is I who have to decide whether I must or must not.

H. C. Russell, Esq.

CHAS. EGESON.

Submitted in connection with 90-36,183, also submitted herewith.—E.J., 4/8/90.

It seems to me that Mr. Egeson is becoming so grossly insubordinate and offensive to his superior officer that his services will be of little use in view of the trouble he may cause. I think that he should be reprimanded for his breach of official rules *re* leave of absence (which may be now granted), and his attention called to his grossly insubordinate memo. to Mr. Russell, which tone must not be repeated.—J.H.C., 6/8/90.

Mr. Egeson informed in terms of Minister's minute.—G.K.S., 6/8/90.

Copy sent to Mr. Russell.

No. 2.

The Government Astronomer to The Under Secretary for Public Instruction.

Sir,

Observatory, Monday, 4 August, 1890.

I have the honor to report that Mr. Egeson called for his cheque on Saturday morning, 2nd August, and sent in the enclosed letter and application for leave for 4th and 5th of this month, to which I replied that, having reported his absence without leave, I could not grant the leave asked for, but that I had no doubt if he sent in a medical certificate leave would be granted.

Notwithstanding leave of absence was refused, Mr. Egeson did not go on with his work on Saturday, and has not come to-day.

I have, &c.,

H. C. RUSSELL.

No. 3.

The Government Astronomer to The Under Secretary for Public Instruction.

Sir,

Observatory, 4 August, 1890.

I have the honor to enclose herewith medical certificate (received at noon), which accounts for Mr. Egeson's absence this morning.

I have, &c.,

H. C. RUSSELL,

Government Astronomer.

[Enclosures.]

Sir,

Sydney Observatory, 2 August, 1890.

I have to report my absence on 29th, 30th, and 31st July, and to-day, through a severe attack of bronchitis, and to request leave of absence on 4th and 5th (Monday and Tuesday), to enable me to take a change of air.

Yours, &c.,

CHAS. EGESON.

To H. C. Russell, Government Astronomer.

Macquarie-street, 2 August, 1890.

THIS is to certify that Mr. Egeson is suffering from a sharp attack of bronchitis, and that he will not be able to return to duty for some days.

H. N. MACLAURIN, M.D.

Received noon.—H.C.R., 4/8/90.

No. 4.

No. 4.

The Government Astronomer to The Under Secretary for Public Instruction.

Sir,

Observatory, 1 September, 1890.

I have the honor to bring under your notice a serious breach of discipline on the part of Mr. C. Egeson. The papers and correspondence herewith contain all the particulars; but stated shortly, the case is this: On 25th August the Superintendent of Telegraphs wrote to me an official letter, and sent it by a special messenger. When it came, Mr. Egeson opened it, and detained it until the next day, and then sent it to me without apology, simply stating he had opened it in mistake. It seemed strange to me, and I inquired how it had been sent, and then obtained the enclosed envelope, which is a *fac-simile* of the one opened by Mr. Egeson. I then wrote to Mr. Egeson for explanation (*Appendix A*), and got in reply letter B, which virtually admits what a reply to my memo. C fully admits, viz., that he has been in the habit of deliberately disregarding my written instructions about telegrams addressed to me, and further admits having previously opened memos. in official envelopes addressed to me.

I again called Mr. Egeson's attention to this, and pointed out that, if he could not see his way to explain, I should bring the matter under the notice of the Minister. No explanation having been furnished after two days, I am compelled to submit the case. Appendix E.

It is obvious that if such conduct, viz., the deliberate opening of my letters, and the disregard of my written instructions (*Appendix F*), were to pass unrebuked, it would be impossible to maintain order in the Observatory.

Personally, I should be satisfied with a written apology, and an assurance that in future my instructions would be carried out; but the offence is so serious, as an example in the Civil Service, that I feel it is not simply a personal matter, but one which can only be dealt with by the Minister himself.

I have, &c.,

H. C. RUSSELL,

Government Astronomer.

[Enclosures.]

(A.)

Memo. for Mr. Egeson.

29 August, 1890.

ON Tuesday forenoon, 26th instant, I received from you without cover the attached letter from the Superintendent of Telegraphs, with a message that you had opened it in mistake, and when I asked for the envelope, the reply was, that it could not be found.

I have made inquiry, and find that this letter was sent here by a special messenger in the forenoon of Monday, 25th, and was then enclosed in an official envelope (foolscap size), and addressed to me personally.

It appears, therefore, that you deliberately opened an official letter addressed to me and detained it for a day.

Have you any explanation to offer?

H. C. RUSSELL.

Mr. Cracknell's letter was attached to the original of this; Mr. Egeson has detained it.—H.C.R.

(B.)

Sir,

Sydney Observatory, 29 August, 1890.

With reference to the letter opened by me, I beg to state, that in the ordinary routine of my duties I had occasion to send to the manager of the Telegraph Department a note requiring an answer to certain inquiries regarding Queensland telegrams. This note was sent in your name, as has been my custom with your knowledge for years, and the replies, though always addressed to you, have always been opened by me. I have asked hundreds of such questions, and have received and opened the letters from the Manager of the Telegraph Department containing the replies, though addressed to you, and in official envelopes, some of which are still in my possession, and do not think I have exceeded my duties thereby.

The letter which I sent to the Manager of the Telegraph Department was sent in the forenoon, and the one addressed to you, which I supposed was an answer thereto, was received by me in the afternoon—I think during lunch, or later. Having opened it and found it not mine, and also comparatively unimportant, I placed it in my pocket with the intention of having it sent to you later on, but forgot about it till the next morning. Regarding the envelope—having sent you the letter with an explanation that I opened it, for what purpose should I detain the envelope? I never prevaricate—yet you seem to insinuate this. You say that I have deliberately opened your letters, but those who do so also deliberately destroy them—at least it seems to me to be the only sequence to such conduct. I have never done a mean or cowardly act or one of which I need to be ashamed or could not justify, and as your letter to me contains charges of which I should be ashamed, I shall take steps to vindicate myself unless you withdraw them and apologise in writing.

H. C. Russell, Esq.

Your obedient servant,

CHAS. EGESON.

(C.)

Memo. for Mr. Egeson.

29 August, 1890.

AM I to understand from your letter of the 29th instant that you have been in the habit of disregarding my written instructions, to the effect that no telegrams addressed "H. C. Russell" should be opened by you, and continued the practice of opening such telegrams?

H. C. RUSSELL.

(D.)

Sir,

Sydney Observatory, 30 August, 1890.

In reply to your memo. of this day, I do not understand how you can ask such a question, seeing that you are at least once a week receiving such telegrams opened by me, and having reference to the supply or breakage of instruments, requisition for telegram-books, &c., &c.; also, frequently, daily rainfall and other matters concerning my particular duties, which, by the way, I generally do not send you at all, but file in my office; and if the office I hold has not that charge or responsibility, the sooner you get a schoolboy to do my work the better.

The telegrams addressed "H. C. Russell," which I am in the habit of opening, are marked by distinctive numbers or calls, by which I know their nature as having reference to our meteorological stations, and I take it that your instructions re the opening of telegrams had no reference to such matters, or else I am at a loss to explain why you have not taken objection before, as you have received many dozen telegrams lately opened by me.

I am about getting full of this petty persecution and fault-finding, and unless it comes to an immediate end I shall have my little say in the matter.

Awaiting an early reply to my letter of yesterday,—

H. C. Russell, Esq.

Yours, &c.,

CHAS. EGESON.

(E.)

(E.)

Memo. for Mr. Egeson.

30 August, 1890.

YOUR letter of even date admits opening telegrams addressed "H. C. Russell," instructions to the contrary notwithstanding, and it raises another important question.

Since my written instructions as to the opening of telegrams addressed "H. C. Russell" such telegrams were very frequently brought to me, and now and then one came opened, with the excuse that you had opened it in mistake, and when telegrams addressed to me were sent without envelope or excuse I assumed that they had come addressed "Government Astronomer," and concluded that my instructions were being carried out; but now it appears, from your letter above referred to, that some telegrams addressed "H. C. Russell" were sent to me, and others detained and opened by you; whatever the reason or intention of this course of action, the effect was that it misled me.

I shall be glad if you can see your way to fully explain the questions at issue, because if they are not explained I shall be obliged to bring this correspondence under the notice of the Minister for Public Instruction.

H. C. RUSSELL.

(F.)

Memo., *re* telegrams, for Mr. Egeson.

28 September, 1889.

In future some private as well as official telegrams will be coming in addressed "H. C. Russell."

In order to avoid mistakes in opening such telegrams, all so addressed are to be treated as letters and put on my table.

H. C. RUSSELL.

Copy of address on envelope.

H. C. RUSSELL, Esq.,
Government Astronomer.

Explanatory.

EVERY day many (twenty or thirty) telegrams come to the Observatory about weather; these and all letters are, during office hours, delivered in the office at the front door. All telegrams addressed "Government Astronomer" or "Observatory" are opened there, but written instructions were given nearly twelve months since that all telegrams addressed "H. C. Russell" should be treated as letters and put on my table.—H.C.R.

Submitted.—E.J., 3/9/90.

These papers show a spirit of gross insubordination in Mr. Egeson, even after repeated warnings, and especially conspicuous after my minute of 6th August, 1890. Mr. Russell has just seen me, and it is clear that the Observatory is being disorganised by the conduct of Mr. Egeson towards the Government Astronomer. In the public interest such a state of affairs can no longer be tolerated, and Mr. Egeson must be suspended until he withdraws his insubordinate and offensive letters, and complies with Mr. Russell's request for an explanation in the matter, and undertakes to submit himself entirely to the rules of the Government service. If such explanation is not forthcoming within seven days, and is not entirely free from an insubordinate spirit, Mr. Egeson must be called upon to show cause why he should not be dismissed from the Public Service for persistent insubordination and disregard of official orders and requests. Mr. Russell to be asked to give Mr. Egeson's record, and show how he came into the Public Service, his qualifications before and since.—J.H.C.

Letters to Mr. Egeson and Treasury.—W.J.D., 3/9/90.

The Government Astronomer,—Will you be good enough to note the Minister's minute hereon, comply with the directions contained in the latter part of the minute, and return these papers to this office.—E.J., 3/9/90.

No. 5.

The Under Secretary for Public Instruction to Mr. C. Egeson.

Sir,

Department of Public Instruction, Sydney, 3 September, 1890.

I am directed to acquaint you that the Minister of Public Instruction has had under notice a communication from the Government Astronomer in which he reports you for disregarding his written instructions respecting the opening of official correspondence addressed to him.

2. In view of the matters disclosed by this and previous reports, and of your generally insubordinate conduct, the Minister has directed that you be suspended from duty until such time as you withdraw your offensive letters to Mr. Russell and comply with that officer's request for an explanation, and also undertake to submit yourself entirely to the rules of the Government service. If such explanation be not forthcoming within seven days, and be not altogether free from an insubordinate spirit, Mr. Carruthers will recommend for the approval of His Excellency the Governor in Council that you be called upon to show cause why you should not be removed from the Public Service for persistent insubordination and disregard of official orders.

3. You are to regard the receipt of this letter as an intimation of your suspension from duty.

I have, &c.,

E. JOHNSON,

Under Secretary.

No. 6.

The Under Secretary for Public Instruction to The Under Secretary for Finance and Trade.

Sir,

Department of Public Instruction, Sydney, 3 September, 1890.

I am directed to acquaint you that the Minister of Public Instruction has suspended from duty Mr. Charles Egeson, map-compiler at the Sydney Observatory, on account of insubordinate conduct. The suspension will take effect forthwith.

I have, &c.,

E. JOHNSON,

Under Secretary.

No. 7.

No. 7.

Mr. C. Egeson to The Minister for Public Instruction.

Sir, Victoria House, Bellevue-street, Lyndhurst, Glebe, 4 September, 1890.

Being in receipt of your letter No. 41,412, of yesterday, I called on the Government Astronomer personally, with the request to be informed as to the nature of the explanation required concerning the opening of certain telegrams, &c., seeing that I had previously explained the matter most fully, and to the best of my knowledge. The Government Astronomer would not, however, enlighten me on the subject, and wished me to leave his office.

In consequence, I regret that I cannot comply with your instructions regarding the said explanation, and can now only request that you will be kind enough to at once recommend for the approval of His Excellency the Governor in Council that I be called upon to show cause why I should not be removed from the Public Service, as intimated in your letter to me, this being the only means I see for vindicating myself.

In the meantime I have complied with your order suspending me from duty.

I am, &c.,

CHAS. EGESON.

Submitted.—E.J., 5/9/90.

In order to enlighten Mr. Egeson, and to give him every chance before he forces me to take an extreme step, inform him that he may have copies of Mr. Russell's letters and memoranda, showing what he has to explain. Also that the insubordinate letters and memos. will be produced to him, and any other reasonable information afforded to him to enable him to comply with my minute of 3rd October, 1890.—J.H.C.

Mr. Egeson written to.—J.D.B., 8/9/90.

No. 8.

The Under Secretary for Public Instruction to Mr. C. Egeson.

Sir, Department of Public Instruction, Sydney, 8 September, 1890.

With reference to your letter of the 4th instant, I am directed to acquaint you that in order to give you every facility for complying with the direction of the Minister of Public Instruction, he is willing to furnish you with copies of Mr. Russell's letters and memoranda respecting the conduct for which an explanation is required from you, and also to afford you an opportunity of perusing the correspondence which is considered to be insubordinate in tone. I am to state further that any other reasonable information respecting the matter will also be furnished to you upon application to this Department.

I have, &c.,

E. JOHNSON,

Under Secretary.

No. 9.

The Government Astronomer to The Under Secretary for Public Instruction.

Sir, Observatory, noon, 4 September, 1890.

I have the honor herewith to enclose a letter just received from Mr. Egeson.

At 10 a.m. this morning Mr. Egeson walked into my room, and said, "I want to know what explanation you want, for I do not understand." I replied that I had written all I had to say, and if he would read my memos. he would see; I must therefore decline to discuss the matter verbally with him; if he would put what he had to say in writing I would give it careful consideration. He said, "I have a letter from the Minister, telling me to give the explanation, and I want to know what you mean; it is as much for your good as mine." I again told him that I must decline to discuss the matter verbally; but he persisted in loud talking, and a third time I had to tell him that I would not discuss the matter verbally, and would thank him to walk out of my room. He left, and at 11:30 a.m. the enclosed letter was delivered to me, and I told the messenger there was no answer; and reading the letter over calmly, I cannot see that any reply is needed, for I had told him that if he would read my memos. he would see what I meant.

I have, &c.,

H. C. RUSSELL,

Government Astronomer.

Information asked for in the Minister's minute of 3rd September, herewith.—H.C.R.

Submitted.—E.J., 5/9/90. Has not Mr. Egeson sent a letter addressed to me to this office? If so, submit it.—J.H.C., 8/9/90. Submitted, and minuted by Minister. (See 90-41,809.—G.K.S., 8/9/90.)

No. 10.

Mr. C. Egeson to The Government Astronomer.

Sir, Sydney Observatory, 4 September, 1890.

With reference to your letter of 30th August, requiring an explanation to certain questions which I had previously explained, I have this day received a letter from the Minister for Public Instruction, wherein he requires me to give the explanation. In consequence, I called on you personally, requesting to be informed as to the nature of the explanation [required, as I did not know how to more fully explain the matter than I had already done.

Your refusal to in any way enlighten me on the subject, and ordering me to leave your office, can therefore only result in my inability to comply with the Minister's instructions, and the necessity for my requesting him to at once recommend for the approval of His Excellency the Governor in Council that I be called upon to show cause why I should not be removed from the Public Service, as intimated in his letter to me.

As I am in the meantime to consider myself suspended from duty, I shall leave the office at once.

Yours, &c.,

CHAS. EGESON.

Memorandum

Memorandum in reference to Mr. Egeson's connection with the Civil Service.

IN November, 1884, I received by post a scientific essay, the subject of which I have forgotten now. It was signed "Charles Egeson."

I thought from the style of the essay that I might be of use to the author, and in accordance with my habit of trying to help any worker in science, I wrote to Mr. Egeson, and asked him to call; he did so, and I had a long conversation with him about the essay and himself; he told me that he had been a railway guard in Ceylon, and that, in consequence of the depression there, he had lost his position, and had come to Sydney seeking employment, but that he had failed to find it in any capacity on the railways or other works that he was capable of, and that to keep his family from starvation he had taken to clearing land—work for which he was physically unfitted. I promised that I would help him if I could. Shortly after this the man who had been working as extra clerk in the Observatory left, and I took Mr. Egeson to see if he could do the work, the salary being, as usual, £100 per annum. He proved himself to be a painstaking and most useful clerk.

In August, 1885, his salary was raised to £125 per annum; he had in the meantime learned to do the daily weather map, which it was Mr. Bladen's duty to make up.

In January, 1886, Mr. Bladen was transferred to the Government Printing Office, and Mr. Egeson being the only junior in the office capable of taking his place, he was put into it; his zeal and good work fully justified this step, and there was no falling off in this respect up to the time I left for England—February, 1887.

Upon my return from Europe, in October, 1887, a great change had come over Mr. Egeson in his conduct towards me; he was insubordinate, and at times abusive. I, however, passed these over, thinking they resulted from anger that would pass away, and I continued to give him instruction and every facility for learning his duty, or rather, what he was required to know for the due performance of his duties. I knew he was writing something, and when he said he had not the means of getting it published I told him if he would show it to me in manuscript, and the work was such as I could approve, I would be very glad to get it published for him; but he would not show it to me, and finally got it printed. From that time onwards his conduct has been most insubordinate and abusive to me at odd times, and I attributed these to fits of uncontrollable temper, and passed them over.

My recent letters contain the further development of Mr. Egeson's conduct up to date.

H. C. RUSSELL,
Government Astronomer.

4 September, 1890.

No. 11.

The Government Astronomer to The Under Secretary for Public Instruction.

Sir,

Observatory, 4 September, 1890.

In continuation of my report in reference to Mr. Egeson's connection with the Civil Service, I have the honor to send the following short abstract of the correspondence referred to in the former part.

Abstract.

15th October, 1889.—Letter from Under Secretary to Astronomer. "Mr. Egeson to be informed that Mr. Carruthers disapproves of the course taken by him in publishing his recent weather predictions, and that he must in future abstain from similar action."

21st October, 1889.—Astronomer to Under Secretary, calling attention to the fact that in the *Daily Telegraph* of 19th October Mr. Egeson had again written about the drought.

28th October.—Under Secretary to the Astronomer, enclosing copy of the Minister's minute. "Under the circumstances, I am not prepared to enforce the rule in this case, as it arises out of a previous publication which was not *ultra vires*, and which has been assailed."

14th March, 1890.—Astronomer to the Under Secretary, enclosing a cutting from the *Daily Telegraph*, in which it appears that Mr. Egeson had given that paper a weather prediction in direct opposition to your instructions in letter of 15th October, 1889 (No. B. 89-8,214.)

20th and 21st May, 1890.—Mr. Egeson grossly insubordinate in two memos. to the Astronomer. Reported on 1st August.

5th July, 1890.—Astronomer to the Under Secretary, enclosing a review of a supplement to Mr. Egeson's "weather system," contained in *Herald* of 4th July.

11th July.—Under Secretary wrote to Mr. Egeson, informing him that he had deliberately acted contrary to the Minister's instructions, and a further breach of orders will be met by his summary removal from the Public Service.

1st August, 1890.—Astronomer to the Under Secretary, reporting his absence without leave on 29th, 30th, and 31st July, and at the same time enclosing Mr. Egeson's grossly insubordinate replies to questions asked about his absence on 20th and 21st May.

6th August.—Under Secretary to Mr. Egeson, reprimanding him for breach of rule and proceeding. "You were guilty of gross insubordination, as evidenced by your memos. of 20th and 21st of May, the latter especially being highly improper; and Mr. Carruthers desires me to say that the tone adopted by you in replying to your superior officer's memos. must not be repeated."

1st September, 1890.—Astronomer to the Under Secretary, reporting a serious breach of discipline on the part of Mr. Egeson, who had opened and detained an official letter; also in opening telegrams addressed "H. C. Russell," in direct disobedience of written instructions, and in a repetition of the tone of reply to the Astronomer's memos.; expressly forbidden by the Minister on 6th August.

I have, &c.,
H. C. RUSSELL,
Government Astronomer.

No. 12.

No. 12.

Minute by The Under Secretary for Public Instruction.

Observatory.—Mr. Russell's charges against Mr. Egeson.

I BEG to report for the Minister's information that Mr. Egeson called upon me yesterday afternoon ostensibly to obtain copies of the Astronomer's complaints against him.

He expressed an inability to reply, as desired by the Minister, to the charge of insubordination, inasmuch as he was unaware that he had been insubordinate, and he requested me to explain the matter to him. While endeavouring to do this, Mr. Egeson, who throughout the interview laboured under great excitement and displayed a very objectionable manner, interrupted me in the middle of a sentence, and declined to allow me to finish it. He accused me of a desire to insult him, and added that he did not require copies of the complaints against him. I thereupon terminated the interview.

The Chief Clerk was present at our interview.

E.J., 10/9/90.

Submitted.—E.J., 10/9/90. Let the necessary minute go to the Executive.—J.H.C., 11/9/90. The seven days allowed by the Minister have expired.—G.K.S. Executive minute.—J.D.B., 12/9/90.

No. 13.

The Government Astronomer to The Under Secretary for Public Instruction.

Sir,

Observatory, 11 September, 1890.

Referring to the Minister's minute of September 3rd on my letter of September 1st, by which Mr. Egeson was suspended for seven days, or until he should have withdrawn certain insubordinate letters addressed to me, I have the honor to state, for the information of the Minister, that Mr. Egeson has not withdrawn those letters, either verbally or by letter.

The time for so doing having expired yesterday, I deem it my duty to make this report.

I have, &c.,

H. C. RUSSELL,

Government Astronomer.

No. 14.

Minute-paper for The Executive Council.

The case of Mr. Charles Egeson.

Department of Public Instruction, Sydney, 12 September, 1890.

For the reasons given in the accompanying papers, I recommend for the approval of His Excellency the Governor in Council that Mr. Charles Egeson, map-compiler in the Government Observatory, be called upon to show cause why he should not be removed from the Public Service.

J. H. CARRUTHERS.

Observatory.—The Executive Council approve of the suspension of Mr. Egeson from official duty, and advise that he be called upon to show cause why he should not be removed from the Service for insubordination.—ALEX. C. BUDGE, Clerk of the Council.

Minute 90-39, 10/9/90. Approved.—CARRINGTON, 16/9/90. Mr. Egeson, 17/9/90. Confirmed, 23/9/90.

No. 15.

The Clerk of the Executive Council to Mr. C. Egeson.

Sir,

Executive Council Office, Sydney, 17 September, 1890.

I am directed to inform you that His Excellency the Governor, under the advice of the Executive Council, has approved of your suspension from official duty, in consequence of your insubordinate conduct towards Mr. Russell, the Government Astronomer; and I am now to request that you will furnish me, within seven days from this date, with such explanation as you may wish to offer, and show cause why you should not be removed from the Service.

I am further to add that you will be allowed to peruse the papers, should you desire to do so, by calling at this office.

I have, &c.,

ALEX. C. BUDGE,

Clerk of the Council.

No. 16.

Mr. C. Egeson to The Clerk of the Executive Council.

Sir,

"Victoria House," Bellevue-st., Lyndhurst, Sydney, 23 September, 1890.

In reply to yours of the 17th instant, I have the honor of submitting for the consideration of His Excellency the Governor in Council the grounds upon which I based my letters to Mr. Russell, Government Astronomer, of 29th and 30th August, and that of 4th September to the Minister of Public Instruction, viz., that my conduct towards Mr. Russell has always been guided by his conduct towards me, in that I have simply resented in a manly, straightforward way the intolerable tyranny, overbearing, dictatorial, and unscrupulous to provocation—the trumpery fault-finding and petty jealousy towards his subordinates generally, but particularly towards me, thereby destroying the efficiency and well-being of the establishment under his direction, which it is simply a disgrace to call a scientific Observatory.

I feel sure that the Government will not countenance such administration of any one of its Departments, and that in the interests of the Observatory, the Civil Service, and the public, it will appoint a special Commission, or direct the Civil Service Inquiry Commission to investigate the administration of the Observatory by Mr. Russell, when I shall be prepared to give evidence which will elicit the general incapacity and negligence of Mr. Russell, both as a scientist and as the head of a scientific Observatory—nay, as unfit to be in charge of men (who by mere chance are his subordinates), whom he treats like dogs, while he fawns to those in authority to him—a state demoralising in the extreme.

In view of the appointment of a commission of investigation I have not availed myself of the privilege of perusing the papers submitted by Mr. Russell against me. In the meantime, having made every preparation for a lecturing tour in the country, I would only be prepared to resume my official duties—should such decision be arrived at—on condition of complete independence of the Government Astronomer.

I am, &c.,

CHAS. EGESON.

Under Secretary, Department of Public Instruction, B.C., 23/9/90. The Government Astronomer for report.—E.J., B.C., 25/9/90.

No. 17.

The Government Astronomer to The Under Secretary for Public Instruction.

Sir,

Observatory, 30 September, 1890.

In reference to Mr. Egeson's letter of 23rd September, sent to me, B.C. 25/9/90, I have the honor to report that the papers in this case show that from first to last I have treated Mr. Egeson with consideration and kindness; that I have passed over many acts of his which deserved a different treatment; and that it was not until his conduct became so grossly insubordinate as to threaten to disorganize the Observatory that I reported him to the Minister.

The charges of "intolerable tyranny and fault-finding" made by Mr. Egeson have no foundation on fact, and could only originate in a perverted view of the circumstances.

I have never treated him with harshness, much less with tyranny, and my instructions having been given in writing, remain to prove that the charge is unfounded.

And I certainly have never found fault with him, thinking that his conduct must be due to ignorance of how he ought to conduct himself in his official capacity. I have taken no notice of it, trusting that he would gradually learn from those about him the common rules which guide men in their official intercourse. In this expectation I have unfortunately been disappointed.

It seems hardly necessary to refer to other charges.

I have had control of the Observatory for twenty-one years, and during that time it has steadily risen in usefulness and in the estimation of astronomers in other countries, both for its meteorological and astronomical work, and its present position is a sufficient answer, if answer is required, to Mr. Egeson's charges of incompetence and negligence.

One thing alone need be mentioned as indicative of the opinions of other astronomers: At the recent congress of astronomers at Paris, at which all the leading astronomers of the world (sixty in number) were present, to Sydney Observatory was accorded the high honor of having given to it one-twentieth share of the greatest and most important astronomical work of the Century—the photographic charting of the heavens.

I have, &c.,

H. C. RUSSELL,

Government Astronomer.

Submitted.—E.J., 7/10/90. Send on to the Executive Council a minute confirming Mr. Egeson's dismissal.—J.H.C., 7/10/90.

No. 18.

Telegram from Mr. C. Egeson to The Clerk of the Executive Council.

Sydney, 9 October, 1890.

RECEIVED no reply letter 23rd ultimo, and no salary for September. Awaiting reply to-day. Important.

CHARLES EGESON,

Sydney Observatory.

The Under Secretary, Department of Public Instruction.—A. C. BUDGE, Clerk of the Council, 9/10/90.

No. 19.

Minute-paper for the Executive Council.

Department of Public Instruction, Sydney, 9 October, 1890.

Observatory.—Removal of Mr. Charles Egeson from the Public Service.

REFERRING to my minute of the 12th ultimo, I now recommend for the approval of His Excellency the Governor-in-Council that Mr. Charles Egeson, Map-compiler in the Government Observatory, be removed from the Public Service of the Colony.

J. H. CARRUTHERS.

The Executive Council advise, under the reports herewith submitted, and upon the recommendation of the Honorable the Minister of Public Instruction, that Mr. Egeson be removed from the Public Service for insubordination and neglect of duty.—ALEX. C. BUDGE, Clerk of the Council.

Min. 90-43, 14/10/90. Approved.—CARRINGTON, 14/10/90. Confirmed, 21/10/90. Mr. Egeson, Government Astronomer, Treasury, and Civil Service Board informed.—G.K.S., 23/10/90.

No. 20.

The Under Secretary for Public Instruction to The Government Astronomer.

Sir, Department of Public Instruction, Sydney, 23 October, 1890.

With reference to the case of Mr. Charles Egeson, Map-compiler in the Government Observatory, I am directed by the Minister of Public Instruction to acquaint you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to remove Mr. Egeson from the Public Service on the grounds of insubordination and neglect of duty.

In terms of clause 38 of the Civil Service Act, no salary will be paid to Mr. Egeson for any period subsequent to the 3rd ultimo, the date of his suspension from duty.

Mr. Egeson has been informed of this decision.

I have, &c.,
E. JOHNSON,
Under Secretary.

No. 21.

The Under Secretary for Public Instruction to Mr. C. Egeson.

Sir, Department of Public Instruction, 23 October, 1890.

With reference to your letter of the 23rd September ultimo, addressed to the Clerk of the Executive Council, I am directed by the Minister of Public Instruction to acquaint you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to remove you from the Public Service of New South Wales on the grounds of your insubordination and neglect of duty in connection with the Government Observatory.

In accordance with clause 38 of the Civil Service Act no salary will be paid to you for any period subsequent to the 3rd September ultimo, that being the date of your suspension from duty by the Minister.

I have, &c.,
E. JOHNSON,
Under Secretary.

No. 22.

The Under Secretary for Public Instruction to The Under Secretary for Finance and Trade.

Sir, Department of Public Instruction, Sydney, 23 October, 1890.

Referring to my letter of 3rd September ultimo, intimating the suspension from duty of Mr. Charles Egeson, Map-compiler in the Government Observatory, I am now directed to acquaint you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to remove Mr. Egeson from the Public Service, on the grounds of insubordination and neglect of duty.

No salary will be paid to Mr. Egeson for any period subsequent to the 3rd ultimo, the date of his suspension from duty. He may, however, be paid to that date inclusive.

I have, &c.,
E. JOHNSON,
Under Secretary.

No. 23.

The Under Secretary for Public Instruction to The Secretary, Civil Service Board.

Sir, Department of Public Instruction, Sydney, 23 October, 1890.

I am directed to acquaint you, for the information of the Civil Service Board, that Mr. Charles Egeson, Map-compiler in the Government Observatory, has been removed from the Public Service by His Excellency the Governor, with the advice of the Executive Council, on the grounds of insubordination and neglect of duty.

Mr. Egeson's removal takes effect from the 3rd September ultimo, the date of his suspension from duty, in accordance with clause 38 of the Civil Service Act.

I have, &c.,
E. JOHNSON,
Under Secretary.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BERRIMA GAOL.

(CORRESPONDENCE RELATING TO APPOINTMENT OF ACTING DEPUTY-GOVERNOR OF.)

Ordered by the Legislative Assembly to be printed, 4 June, 1890.

RETURN to an *Order* of the Legislative Assembly of New South Wales, dated 27th May, 1890, That there be laid upon the Table of this House,—

“ Copies of all papers and correspondence relating to the appointment of
“ Mr. Sidney N. de Montford Bromley as Acting Deputy-Governor of
“ Berrima Gaol.”

(*Mr. Edmunds.*)

SCHEDULE.

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No. 1.

Mr. S. H. de M. Bromley to The Comptroller-General of Prisons.

Sir, Regimental Office, Phillip-street, Sydney, 22 March, 1890.

Being most anxious to obtain employment in the Department of Prisons, and believing that there are vacancies existing for governors at several gaols in the Colony, I have the honor to apply for appointment to such a position.

Having been educated for the medical profession, but being obliged, owing to reverses in fortune and circumstances over which I had no control, to relinquish my studies at an early age (19), and finding myself cast entirely upon my own resources, I enlisted in the Imperial Service, where I remained for a period of nearly five years, after which I obtained my discharge and came to the Colonies, where I have been ever since.

I am at present serving as an instructor on the Permanent Military Staff of the Colony, which position I have held since 1885.

I may state that my service with the Imperial and Colonial Governments has been almost continuous since 1877, during which time I have constantly had the control of bodies of men, and have always been regarded as a thorough disciplinarian.

Understanding that the governorship of Darlinghurst is vacant, I would respectfully request that my application be regarded as specially applying to that post, but, in the event of someone more experienced being selected to fill the position, I would of course most gratefully accept any other post for which I may be considered fitted.

I am in my thirty-third year. Please find credentials in support of my application attached hereto.

I have, &c.,

SIDNEY H. DE MONTFORD BROMLEY.

Acknowledge and say that application will receive due consideration.—G.M., 28/3/90. Done,
28/3/90.

[Enclosures.]

[Enclosures.]

Sir, I have much pleasure in certifying to the efficient manner in which you discharged the duties of Clerk of Petty Sessions and Registrar of the Small Debts Court at Cobargo, and to the satisfaction you gave to the Bench of Magistrates there during the time you held those offices.

Bega, 31 October, 1885.

Yours, &c.,

JOHN DAVIS,
Police Magistrate.

Mr. Sydney de Montford Bromley.

I HAVE much pleasure in testifying to the general good character of Sergeant Bromley since he has been on the Military Permanent Staff. Having been attached to the 1st Regiment nearly the whole time, I can speak most highly of him both for his attention to duties, ability as an instructor, and great steadiness.

Head-quarters, Sydney, 2 April, 1886.

C. F. BARTLETT, Capt.,
Adj., 1st Reg. Infy.

Mount Kembla Coal Co., 22, Bridge-street, Sydney, 26 October, 1886.

UNDERSTANDING that Mr. Sidney M. Bromley is a candidate for an office in connection with the District Court, I have much pleasure in stating that during the four years I have known Mr. Bromley he has impressed me most favourably as a young man well educated, active, industrious, sober, extremely anxious to improve his position, and to maintain the honor of his family, several members of which I know.

His education, punctual and methodical habits, eminently qualify him to fill such an office as is now vacant with credit to himself and to the satisfaction of his employers.

I have every confidence in testifying to the qualifications of Mr. Bromley, and to his character, which, I believe, is unblemished.

Yours, &c.,

JAMES R. M. ROBERTSON, M.D., F.G.S., &c.

CORPORAL Bromley has been a soldier for four years and eighty-eight days, of which two years and seventy-seven days were in the Grenadier Guards.

His conduct while in the service has been very good, and I can recommend him for any position of trust.

I may also state that he is an excellent and thoroughly efficient drill instructor.

R. G. SHARMAN CRAWFORD, Lt.,
Adjutant, 16th (Queen's Lancers).

York, 9 November, 1881.

LANCE-SERGEANT BROMLEY has served in the 1st Battalion Grenadier Guards for a period of two years seventy-seven days, and is now leaving at his own request by purchase.

During the time he has been in the regiment his conduct has been exemplary, and I can confidently recommend him as a thoroughly efficient drill instructor.

ALGERNON M. R. PERCY, Lt.,
Adj., 1st Battn. Grenr. Gds.

PARCHMENT certificate of discharge of No. 1868. Rank, corporal; name, Sidney Montford Bromley, 16th Regiment of Lancers. Born in the parish of Southwater, near the town of Southwater, in the county of Sussex. Enlisted at New Windsor on the 6th August, 1877, for Grenadier Guards, at the age of 19 years 9 months. He is discharged in consequence of his own request on payment of £28 under scale III, royal warrant, 1st May, 1878. Service abroad, nil years. He has served 2 years 11 days, and 4 years 88 days reckon towards pension. Medals, nil. His conduct and character while with the colors have been very good. He was, when promoted, in possession of one good-conduct badge, and would, had he not been promoted, have been now in possession of one good-conduct badge. He is in possession of a second-class school certificate.

R. WINGHAM, Col.,

Commanding 16th Lancers.

York, 5 November, 1881.

Discharge confirmed at York, 7th November, 1881. Service towards engagement—Army, 2 years 11 days. Total, 2 years, 11 days.

T. NASON, Col., A.A.I.

Dear Mr. Miller,

Judge's Chambers, Supreme Court, Sydney, 24 March, 1890.

Mr. Sidney Bromley informs me that he is applying for an appointment as governor of one of the gaols. I shall be much pleased to hear of the success of his application, as he is a gentleman well suited for the post, and, I think, deserving of some better place than the one he now occupies in the Brigade Office.

Yours truly,

WILLM. C. WINDEYER.

No. 2.

Mr. S. H. de M. Bromley to The Comptroller-General of Prisons.

Memorandum.

18 April, 1890.

PLEASE find enclosed herewith, in support of my application for an appointment under the Department of Prisons, a testimonial from Major-General Richardson, C.B. (Commanding N.S.W. Military Forces), under whose command I am at present serving; also from the undermentioned gentlemen, viz.:—

Lieut.-Col. Farrell, Commanding 1st Regiment Infantry.

Major Bartlett, Adjutant, 1st Regiment Infantry.

Claude Solomon, Esq., Chief Paymaster to Military Forces.

H. C. L. Anderson, Esq., Director of Agriculture.

SIDNEY H. DE MONTFORD BROMLEY.

[Enclosures.]

Memorandum from General Officer Commanding Military Staff Office, Sydney, to The Comptroller-General.

18 April, 1890.

STAFF-SERGEANT Bromley has served under my command from 8th December, 1885, during which period he has conducted himself with steadiness and sobriety, and entirely to my satisfaction. He is a fair drill, good orderly-room clerk, and good disciplinarian.

JOHN S. RICHARDSON,
Major-General.

Regimental Office, 17 April, 1890.

I HAVE much pleasure in certifying that Staff Color-Sergeant Bromley has been attached to the 1st Regiment Infantry for over four years, and during that period he has performed his duties and conducted himself with entire satisfaction, being a steady, sober, industrious man, a good drill instructor, a first-class orderly-room clerk, firm, yet respectful in his demeanour.

W. J. FARRELL, Lt.-Col.,
Commanding 1st Regiment.

Head-quarters,

3

Head-quarters, 1st Regiment Infantry, Sydney, 18 April, 1890.

I HAVE much pleasure in testifying to the steadiness, sobriety, and thorough discipline displayed by Staff Color-Sergeant Bromley during the past four years he has been attached to the 1st Regiment as an Instructor of the Permanent Staff. He has performed the duties of orderly-room clerk faithfully and well. Being immediately under me, I can speak in the highest terms of him.

C. F. BARTLETT, Major and Adjutant,
Permanent Staff.

I HAVE much pleasure in testifying to the thorough steadiness displayed by Mr. Bromley in the performance of his duties as orderly-room clerk of the 1st Regiment V.I. during the last four years. He is, in my opinion, a good disciplinarian, and should fill the position of governor or deputy-governor of a gaol to your satisfaction.

The Comptroller-General of Prisons.

C. SOLOMON,
Chief Paymaster, 18/4/90.

The Comptroller-General of Prisons,—
Dear Mr. Miller,

Sub-Department of Agriculture, Sydney, 17 April, 1890.

Allow me to say a good word for Mr. Bromley, who is applying for a position in your department. His five years' experience in the Household Guards and 16th Lancers, and his subsequent service in the military forces of this Colony, have given him a very valuable training for a position such as governor or deputy-governor of a gaol. I have seen a good deal of him while serving on the staff of the 1st Regiment, and can testify that he is in every way respectable, and well appreciated by his superior officers.

He keeps himself as a gentleman, is very smart in his duties, and would be a good disciplinarian.

I am of opinion that you will not regret giving him a chance to show what he is fit for.

Believe, &c.,
HENRY C. L. ANDERSON.

No. 3.

The Comptroller-General of Prisons to The Under Secretary of Justice.

Department of Prisons, New South Wales,
Comptroller-General's Office, Sydney, 21 April, 1890.

Application from Mr. S. de M. Bromley for an appointment as Governor of a Gaol.

In forwarding the accompanying application from Mr. Bromley for an appointment under this department for the Minister's consideration, I desire to say that, from the testimonials which he has submitted, as well as from inquiries which I have made respecting him, I believe him to be well fitted by age, education, and disciplinary experience for the position of deputy-governor of a gaol. I think it very desirable that the services of men of his class should be secured by this department for the higher positions in the gaols, and I therefore venture to recommend that he be appointed to the position of Deputy-Governor of Berrima Gaol, on probation, for six months, vice Mr. Thompson, who is to be transferred to Maitland, where a vacancy has occurred through the resignation of Major Hunt.

The salary attached to post of Deputy-Governor at Berrima is £200 per annum.

In connection with this matter, it may not be out of place to quote here the following extract from a report of the late Comptroller-General, when recommending the appointment of an officer to fill the position of Deputy-Governor of Bathurst Gaol:—

I have carefully considered the qualifications of the senior officers remaining in the lesser grades after the selections for advancement already made, and without in any way detracting from their efficiency in their present positions, I do not feel justified (unless there was no alternative) in nominating one from among them to this post.

GEORGE MILLER,
Comptroller-General.

Submitted.—T.E.M'N., 22/4/90. May be appointed Acting Deputy-Governor.—A.J.G., 22/4/90.
The Comptroller-General of Prisons informed, 23/4/90.

No. 4.

The Acting Under Secretary of Justice to The Comptroller-General of Prisons.

Sir,

Department of Justice, Sydney, 23 April, 1890.

Referring to your minute of the 21st instant, recommending Mr. Sidney H. de Montford Bromley for the position of Deputy-Governor of Berrima Gaol, I am directed to inform you that the Minister of Justice has approved of Mr. Bromley being appointed Acting Deputy-Governor at that gaol, with salary at the rate of £200 per annum, to take effect from the date of commencing duty.

I have, &c.,

THOS. E. MACNEVIN,
(For Under Secretary).

[Similar letter to Under Secretary for Finance and Trade, and Secretary to the Civil Service Board, 24/4/90.]

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MR. CASWELL, POLICE MAGISTRATE, DUBBO—INFORMATION RESPECTING SALARY, FEES, &c., &f.)

*Ordered by the Legislative Assembly to be printed, 18 June, 1890.**[Laid upon the Table in accordance with a promise made in answer to Question No. 15, Votes No. 21, Thursday, 12th June, 1890.]*

Questions.

- (15.) MR. CASWELL, POLICE MAGISTRATE AT DUBBO:—MR. CRICK asked THE MINISTER OF JUSTICE,—
- (1.) What is the salary of Mr. Caswell, Police Magistrate at Dubbo?
 - (2.) Has any money been received by Mr. Caswell over and above his salary from the Consolidated Revenue during the three years ending 31st March, 1890; if so, what amount?
 - (3.) Is it a fact that Mr. Caswell is more than half his time away from Dubbo?

Answers.

- (1.) £550 per annum.
- (2.) Return showing amount of money received by Mr. Caswell, Police Magistrate, &c., at Dubbo, for salary, travelling expenses, and fees for three years ending 31st March, 1890, as far as can be readily ascertained from the records of this Department:—

	£	s.	d.
Police Magistrate, salary	1,650	0	0
" travelling expenses*	565	15	3
Coroner	108	2	6
" fees	91	0	0
Mines, travelling expenses	61	10	0
Total	£2,476	7	9

* To 23th February, 1890.

MEMO.:—In explanation of the amount paid for travelling expenses, it may be mentioned that Mr. Caswell, in his capacity of Police Magistrate and Mining Warden, has to attend Courts at Nyngan, Warren, Dandaloo, Obley, and Peak Hill, and that he (Mr. Caswell) reports that during the period stated he travelled about 36,000 miles, and that a large portion of the expense was for conveyance.

- (3.) This would not appear to be a fact, as I am informed that during the period from 1st of January, 1890, to 31st of May last, Mr. Caswell was absent from Dubbo on public duty for sixty-nine days.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE COMPTROLLER-GENERAL OF PRISONS.

(CORRESPONDENCE, &c., RESPECTING APPOINTMENT OF.)

Ordered by the Legislative Assembly to be printed, 10 July, 1890.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 3rd July, 1890, That there be laid upon the Table of this House,—

“Copies of all minutes, correspondence, recommendations, and testimonials relating to the appointment of the present Comptroller-General of Prisons.”

(Mr. Melville, for Mr. Alexander Brown.)

SCHEDULE.

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No. 1.

The Chief Clerk, Department of Public Instruction, to The Under Secretary of Justice.

Department of Public Instruction, Sydney, 11 November, 1889.

Sir, I do myself the honor to make application to the Minister of Justice for the position of Comptroller-General of Prisons, which is now vacant.

In support of my application, I may state that 27½ years of my life have been passed in the Civil Service of this Colony (two years in the Account Branch of the General Post Office, over three years in the Colonial Secretary's Office, and twenty-two years and five months in the Education Department). While in the Colonial Secretary's Office, I acted as Private Secretary to Mr. (afterwards Sir Charles) Cowper and Mr. William Forster respectively. I have held the office of Chief Clerk of the Education Department for upwards of fifteen years, and during that period I have frequently acted as head of the Department. On one occasion I performed the duties of Under Secretary for eighteen months, and on another for ten months. The experience thus gained, both in a clerical and an administrative capacity, in a department where business of a most varied, technical, and responsible character is carried on, should, I respectfully submit, render me fully qualified for the appointment which I now apply for.

As regards the manner in which my duties have been performed, I beg to invite the Minister's attention to the accompanying printed testimonials.

I have, &c.,

GEORGE MILLER.

[Enclosures.]

402—A

[920 copies—Approximate Cost of Printing (labour and material), \$5 2s. 3d.]

[Enclosures.]

My dear Trickett,

Wentworth Court, 27 May, 1884.

Mr. Johnson, the Chief Inspector, asked me some time ago to give him a note as to my opinion of the way in which he performed his duties whilst I was Minister, and I gave him with pleasure a note in reply, expressive of the extremely high opinion I hold in reference to Mr. Johnson in every respect.

Mr. Miller, the Acting Under Secretary, has not applied to me for any similar letter, probably out of a delicacy arising out of our long personal friendship and intimacy; but I think it right and due to him to state that, whilst I was Minister, he also performed his duties with unvarying zeal and great efficiency, and gave me reason to form the most favourable opinion of him as Acting Under Secretary.

I wish you to understand that I do not desire to recommend the claims of one officer as superior to those of the other; my simple desire is to do justice, so far as I am concerned, to both.

Yours, &c.,
G. H. REID.

My dear Mr. Miller,

Sydney, 26 May, 1884.

In enclosing to you the accompanying document, I feel that I should inadequately discharge my obligations to you if I failed to thank you for the frank and loyal co-operation and the valuable assistance you have given me during the whole period of our official connection. Above all, permit me to thank you for the kindly way in which you have undertaken the heavy burden of my duties during the time of my enforced absence from office, and to express the hope that your future career may be in the highest degree prosperous.

I am, sincerely yours,
W. WILKINS.

George Miller, Esq.

Department of Public Instruction, Sydney, 26 May, 1884.

MR. GEORGE MILLER has served with me under the late Council of Education and the present Department of Public Instruction for about seventeen years. Commencing in one of the subordinate positions of the service, he has, by his own merit, obtained promotion step by step, and now holds the highest rank in the office next to the Under Secretary. In every position he has filled, his duties have been performed with assiduity and efficiency, and he has uniformly exhibited a courteous demeanour and an obliging disposition, whilst to myself he has rendered on all occasions ready and valuable assistance.

Mr. Miller has also made himself acquainted with the work of the several branches into which the office has been divided, and the knowledge thus acquired has doubtless proved of essential service to him while acting as Under Secretary during my absence on leave.

W. WILKINS,
Under Secretary.

Dear Mr. Miller,

137, Macquarie-street, 27 April, 1885.

If you think that any testimony of mine would be of avail in helping you to a better classification in the Civil Service I gladly offer it.

Under the Council of Education you were always known to me as an assiduous and hard-working officer, and from the beginning of 1875, when you obtained the position of Chief Clerk, you not only had the heavy work of your own office to carry on, but, in consequence of the bad state of Mr. Wilkins' health, you were frequently called upon to undertake, in addition, the responsible and anxious position of Secretary to the Council. Yet under these trying circumstances the work of the office was well kept up.

I am aware also that, after the retirement of Mr. Wilkins, you acted as Under Secretary of the Department for eighteen months, and I thought at the same time that it was very hard on you to be simply remitted back to the position of Chief Clerk, after having the control of the office for such a long time.

I have no copy of the Civil Service Act by me, and I do not remember what discretionary powers the Board may possess, but I am quite sure that you deserve to be treated with the utmost consideration that the terms of the Act will allow.

Believe me, yours faithfully,
J. SMITH.

George Miller, Esq.

Sir,

Marinella, Manly, 6 October, 1886.

You have done me the honor, in placing fully before me the circumstances under which you have, as you apprise me, temporarily withdrawn an official application for promotion in rank, to solicit my attention to your case, as one which occurred during my occupation of office as Acting Colonial Secretary and Premier. In that case, as you manifestly appear to be convinced, you conceive yourself to be the victim of an injustice, which did not rest at your being then passed over in the public service, but which may involve the consequence of entirely arresting your official career. As you must be aware, I can be of no service in entertaining the consideration of your case with the object of now assisting you; but at the same time I cannot decline, at your request, to communicate my view of your situation, of which view you can make use in any way that you may deem advisable to employ it, with the single limitation that I may not be exposed to the imputation of endeavouring to exercise any influence by addressing this letter to you. I shall not attempt any other statement of your position in the office of Public Instruction, as it seemed to me, than that to which I gave open expression at the time to which you refer. You were at that time, and had been for a considerable period, the Acting Under Secretary for the Department, to which office you were appointed, as I then understood, upon the distinct recommendation of the permanent head of the Department. To pass you over by giving the office to another was, in your particular case, practically to remove you from the office which you then actually held, and had with perfect satisfaction filled for a considerable time. In this proceeding I, with much reluctance, and after repeated protests against its impropriety, was compelled to acquiesce. But I never imagined, nor have I the least reason to suppose that any of my colleagues apprehended, that your long and honorable career, your satisfactory discharge of public duty, and your peculiar, and, in my view, superior claims to the office were to be again disregarded in the event of the office being again vacant. I can with difficulty realize the infliction of so gross an injustice, nor will I believe its perpetration possible. Meanwhile, as you request my guidance, I would recommend you to place the whole matter in the hands of your Ministerial chief, and endeavour to obtain a clear and distinct settlement of your position.

I am, &c.,
WILLIAM B. DALLEY.

George Miller, Esq., Department of Public Instruction.

Dear Mr. Miller,

Department of Public Instruction, 17 December, 1887.

Mr. Johnson has officially notified to me his wish to resume duty on the 1st prox. It may be of interest to you, and is certainly a pleasure to me, to subjoin the minute I have written on his letter. It is thus:—

“As Mr. Johnson wishes himself to curtail the unexpired portion of his leave, and to personally supervise the production of the Annual Report, I have no objection to his resuming duty as from the 1st January, 1888. It is only due to Mr. Miller, who has been Acting Under Secretary, to put on record that a more competent, courteous, able, and industrious officer could not well be found. I have been under great obligations to Mr. Miller for his unvarying readiness, his great knowledge of every detail of the work of the Department, and his marked ability and gentlemanly demeanour in the discharge of his official duties.”

Yours truly,
JAS. INGLIS.

George Miller, Esq.

No. 2.

The Under Secretary of Justice to Mr. G. Miller.

Sir,

Department of Justice, Sydney, 13 November, 1889.

I have the honor to acknowledge receipt of your communication of the 11th instant, applying for appointment as Comptroller-General of Prisons, and to inform you that the same will receive due consideration.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 3.

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No. 3.

Mr. G. Miller to The Minister of Justice.

Dear Sir,

Department of Public Instruction, N.S.W., 25 November, 1889.

I take the liberty of enclosing for your perusal a letter that I have received from Mr. Barton, which perhaps you will kindly cause to be placed with my application for the position of Comptroller-General of Prisons.

Yours, &c.,

GEORGE MILLER.

[Enclosure.]

Dear Miller,

Denham Chambers, 21 November, 1889.

Since you told me that you thought of applying to be appointed to the office of Comptroller-General of Prisons, which the unfortunate loss of Mr. Harold Maclean has rendered vacant, I have been turning the matter over in my mind. I hope you will not think I take any liberty in venturing to tell you that I consider you possess strong qualifications for the office. You have successfully administered a most important department, constantly engaged in fresh work of organization, and exacting from those who manage it the exercise of much tact, nicety of discrimination, and judgment in the adjustment of conflicting rights and claims. Your kindly temperament is balanced by firmness and conscientiousness. Your career in the public service is very long, and its record is without blemish. There will, one must expect, be other worthy candidates for the important position of Comptroller; but if the choice falls upon you I shall look forward with every confidence to your success in the discharge of its difficult duties, and the judicious introduction of improvements and reforms. I certainly do not see any reason which should deter you from sending in your application, and I regret that my attitude of opposition to the existing Administration debars me from expressing in the proper quarter the opinion which I hold in your favour.

Yours, &c.,

EDMUND BARTON.

No. 4.

Mr. G. Miller to The Under Secretary of Justice.

Dear Sir,

Department of Public Instruction, N.S.W., Thursday, 12 December, 1889.

Would you have the kindness to place the accompanying letter from Sir Alfred Stephen with the papers in connection with my application for the position of Comptroller-General of Prisons?

When I received it I sent it to a friend to read, and he, unfortunately, mislaid it; hence the reason for the delay in forwarding it to you.

Yours, &c.,

GEORGE MILLER.

Submitted with reference to other applications for this appointment now before Minister.—A.C.F., 13/12/89. Seen.—A.J.G., 16/12/89.

[Enclosure.]

My dear George Miller,

Wollongong, Monday, 18 November, 1889.

I suppose that by this time you have become reconciled to your position in the Public Instruction Department, although, as you may have known or guessed, I thought years long ago that you ought to have been appointed to the higher post. (I speak of the time when I held a seat on the Board of Education, and was no idle or unobservant member.) But I have no doubt that you have done your duty in all loyalty and faithfulness throughout the years which have passed, and now—as a friend suggests to me—the opportunity has come for well-deserved promotion. The office and duties of Comptroller-General, so long discharged by poor Harold Maclean, seem to me to be well—perhaps singularly well—suited to you, and I do not hesitate to say that I am sure you would fulfil honorably and creditably every such duty, to the advantage of that important department. If the expression by me of that opinion would be (on the supposition of your candidature) of service to you with the Premier and his Cabinet, you or your more closely connected friends have my leave to convey it to Sir Henry and any other proper quarter.

I am, &c.,

ALFRED STEPHEN.

No. 5.

Minute-paper for the Executive Council.

Subject: Appointment of George Miller, Esquire, as Comptroller-General of Prisons, *vice* Maclean, deceased.

Department of Justice, Sydney, 6 January, 1890.

THE Office of Comptroller-General of Prisons having become vacant by the death of Harold Maclean, Esquire, I recommend that George Miller, Esquire, Chief Clerk in the Department of Public Instruction, be appointed to be Comptroller-General of Prisons, with salary at the rate of £800 per annum, to take effect from the 1st January instant.

ALBERT J. GOULD.

The Executive Council advise that the appointment herein recommended be approved.—ALEX. C. BUDGE, Clerk of the Council. Min. 90-1, 7/1/90. Confirmed, 14/1/90. Approved.—AD. STEPHEN, L.-G., 7/1/90. Mr. Miller and Mr. Collis informed.—15/1/90. Copy minute to Civil Service Board and Treasury, 15/1/90. Gazetted, 17/1/90.

No. 6.

The Under Secretary of Justice to Mr. G. Miller.

Sir,

Department of Justice, Sydney, 15 January, 1890.

I am directed by the Minister of Justice to inform you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint you Comptroller-General of Prisons, *vice* Harold Maclean, Esquire, deceased, with salary at the rate of £800 per annum, such appointment to take effect from 1st January instant.

I have, &c.,

ARCH. C. FRASER,

Under Secretary.

*Vide Govern-
ment Gazette,
17th January,
1890.*

No. 7.

No. 7.

The Secretary to the Civil Service Board to The Under Secretary of Justice.

Sir, Civil Service Board, Sydney, 24 January, 1890.
The Civil Service Board desire to be informed of the reasons, if any, why the provisions of section 27 have not been carried out by you, as head of the Department of Justice, in reference to the vacancy of the position of Comptroller-General of Prisons, occasioned by the death of Harold Maclean, Esq.
I have, &c.,
E. G. W. PALMER,
Secretary.

No. 8.

The Under Secretary of Justice to The Secretary to the Civil Service Board.

Sir, Department of Justice, Sydney, 29 January, 1890.
I have the honor to state, for the information of the Civil Service Board, that I submitted your letter of the 24th instant, respecting the appointment of the Comptroller-General of Prisons, to the Minister of Justice, who desires me to return the letter for the reconsideration of the Board with reference to the terms thereof, which do not appear to him to be such as should have been used in applying for information from this Department.
I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 9.

The Chairman of the Civil Service Board to The Under Secretary of Justice.

Sir, Civil Service Board, Sydney, 5 February, 1890.
I have the honor, by direction of the Civil Service Board, to acknowledge receipt of your communication of the 27th January, returning for the reconsideration of the Board their letter of the 24th idem.
I am further directed to inform you that the correspondence was submitted to the Board at their meeting of 30th January, and they fail to see any reason for your submission of their letter to the Honorable the Minister for Justice, whose name should not have been introduced at the present stage of the business.
The 27th section of the "Civil Service Act, 1884," defines the respective functions of the head of the Department, of the Board, and of the Minister.
A statutory obligation is laid upon the head of each public department to report to the Board when a vacancy shall occur. This duty is limited to your own personality and office in the case of a vacancy occurring in your Department, and the Minister's functions do not come into operation until, acting on your report to them, the Board make their recommendation.
As you have failed to report the vacancy of the office of Comptroller-General of Prisons, and have given the Civil Service Board no reason for the course pursued by you in the matter, it only remains for them to place on record that they have been debarred from performing the duties laid upon them in the section referred to by your default in failing to make the report required by the statute.
I have, &c.,
THO. LITTLEJOHN,
Chairman.

No. 10.

The Under Secretary of Justice to The Chairman of the Civil Service Board.

Sir, Department of Justice, Sydney, 6 February, 1890.
I have the honor to acknowledge receipt of your letter of 5th instant, respecting the appointment of Comptroller-General of Prisons, and to inform you that the same will receive attention in due course.
I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 11.

The Under Secretary of Justice to The Chairman of the Civil Service Board.

Sir, Department of Justice, Sydney, 22 March, 1890.
I have the honor to inform you that owing to my absence from the Colony I have been prevented until now from dealing with your letter of the 5th ultimo respecting the appointment of the Comptroller-General of Prisons.
In that letter the Board take exception to my having submitted their communication of the 24th January last to the Minister of Justice, "whose name," they say, "should not have been introduced at the present stage of the business"; and they further say that such action on my part was a breach of the statutory obligation laid upon me by section 27 of the Civil Service Act.
I quite disagree with the view thus advanced by the Board.
My reason for submitting the letter of the 24th January to the Minister was that it did not appear to me to be couched in terms which the Board were entitled to address to this Department, and before taking the unusual step of returning the letter to the Board for reconsideration, I thought it only right to obtain the approval of the Minister to that course. I cannot see how this action in any way affected my position under the statute.

I observe that the Board have not chosen to modify the terms of their letter of 24th January ; but, as I am anxious to have no further conflict with them than is necessary to uphold important principles, I will now merely proceed to deal with those remarks in their last letter, in which they lay down the line of conduct which, as Under Secretary, I should have pursued in reference to the recent vacancy of the office of Comptroller-General of Prisons.

The Board write to me as follows :—“ A statutory obligation is laid upon the head of each public department to report to the Board when a vacancy shall occur. This duty is limited to your own personality and office in case of a vacancy occurring in your department.” * * * * “ They have been debarred from performing the duties laid upon them in the section referred to by your default in failing to make the report required by the statute.” I find nothing in the section requiring the head of the Department to make any report of the kind.

The section provides that the superior officer of the Department in which a vacancy shall occur shall transmit to the Board, through the head of the Department, a report in writing, &c., but only says that the head of the Department, may, in like manner, make a report, &c. In the case under consideration, therefore, there was no obligation thrown upon me by the statute to report. Further, the fact of there being no “ superior officer ” in this case would appear to take it entirely out of the 27th section, and entitle it to be treated in a similar way to that, say, of an Under Secretary, Stipendiary Magistrate, the Clerk of the Peace, or the Crown Prosecutor for Sydney, whose offices, when vacant, have, for the same reason, with the tacit consent of the Board, never been reported to them. The recent appointment of the present Commissioner for Roads, who was promoted by the Government without any reference having been made to the Board, in the first instance, is also a case in point.

In the case now in question, when reporting the vacancy in the office of the Comptroller-General of Prisons to the Minister of Justice, I invited his attention, at the same time, for the sake of extra precaution, to the 27th section of the Civil Service Act. The Minister informed me that he considered this was an appointment which did not come within the section, and that the Government would deal with it independently of the Board. Under these circumstances, and not seeing that the Civil Service Act put any obligation upon me of making a recommendation, also taking into consideration the practice which previously obtained in the cases above referred to, I did not feel called upon to interfere in the matter.

Setting the consideration of this case aside, which, as before stated, does not in my view come within the 27th section, I may mention, with reference to the Board’s remark, “ The Minister’s functions do not come into operation until, acting on my report to them, the Board make their recommendation,” that in dealing with appointments under the section referred to it appears to be clearly the duty of an Under Secretary to consult with his Minister before taking any steps towards the filling of a vacancy ; and this in order to learn whether it is the intention of the Government to fill it, and, in such event, what the salary of the new incumbent is to be, and what new conditions, if any, are to be attached to the office. When the necessary information has been obtained, and not until then, it is for the Under Secretary (provided the appointment is to be made) to ascertain what officers are eligible and willing to accept the appointment, and after selection to make his recommendation to the Board.

In sending this reply to the Board’s last letter, I wish it to be understood that I do not consider the Board entitled to call me to account in the manner they have done for what they may conceive to be a default on my part in administering my functions under the Act, but merely desire to place on record a defence against what I cannot help regarding as a somewhat discourteous attack made upon me while in the proper discharge of my public duties as head of this Department.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

No. 12.

The Secretary to the Civil Service Board to The Under Secretary of Justice.

Sir, Civil Service Board, Sydney, 9 April, 1890.

I have the honor, by direction of the Civil Service Board, to acknowledge the receipt of your letter of 22nd ultimo, in answer to their communication of 5th February.

I am to inform you in reply that the Board are equally desirous with yourself of upholding important principles, and they hope that this can be done without conflict.

The point at issue between the Board and yourself rests entirely upon the proper construction of the following words in the 27th clause :—“ The head of the Department *may*, in like manner, make a report and recommendation,” which duty you consider to be not obligatory upon, but at the discretion of, the head of the Department.

The main scope of the “ Civil Service Act, 1884,” is to protect the Civil Servants in their just claims for promotion, which, before the passing of that Act, were in many cases subject to the caprice or prejudice of heads of departments. It was intended, by the appointment of a Board, to afford to every officer in the Public Service a guarantee that his claim should be fully inquired into, and promotions made on just principles.

Section 27 of the Act puts the matter plainly enough. The proceedings authorized by that section follow each other in three successive stages. First :—When a vacancy occurs the superior officer of the Department in which such vacancy occurs shall transmit to the Board, through the head of the Department, a report in writing, and may recommend * * * ; one duty being obligatory, and the other discretionary. Second :—At the second stage of the business “ the head of the Department may, in like manner, make a report and recommendation.”

Now, as every word in an Act of Parliament has its significance, how are the words “ in like manner ” to be interpreted ? The Board’s interpretation of the words “ in like manner ” is that they mean that the head of the Department shall transmit or make a report in writing, and may recommend if he see fit. Otherwise how is it “ in like manner ” ? This view is confirmed when we come to the third stage of the requirements of the clause, “ the Board shall report to the Minister.”

This is surely imperative enough ; but how can the Board act if the head of the Department at the second stage of the business fail in his part of the duty ?

If it be contended, as you contend, that the head of the Department is entitled to use his own discretion in forwarding or furnishing the report of the vacancy, it is then in the power of the head of the Department, who takes that view, and acts upon it, to nullify the effect of one of the most important clauses of the Act.

I am to add that to prevent any further misconception of the obligations laid by the clause upon the head of the Department, steps will be taken in the contemplated amendment of the Act to have this important point submitted to the Minister with a view to such amendment as will place the clause beyond the possibility of misinterpretation.

I have, &c.,
E. G. W. PALMER,
Secretary.

No. 13.

The Under Secretary of Justice to The Secretary to the Civil Service Board.

Sir,

Department of Justice, Sydney, 6 June, 1890.

I have the honor to acknowledge the receipt of your letter of the 9th April last, further respecting the appointment of the Comptroller-General of Prisons, and to state that I am still of opinion the views expressed in my letter of the 22nd March are correct.

I may mention that absence from the Colony, and pressure of business since my return, have prevented this letter being sent at an earlier date.

I have, &c.,
ARCH. C. FRASER,
Under Secretary.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GOVERNMENT PRINTING OFFICE.

(RETURN RESPECTING COMPOSITORS IN.)

Ordered by the Legislative Assembly to be printed, 20 August, 1890.

[Laid upon the Table in answer to Question No. 11, of the 5th August, 1890.]

Questions.

11. COMPOSITORS, GOVERNMENT PRINTING OFFICE:—MR. SCHEY *asked* THE COLONIAL TREASURER,—
- (1.) Will he please lay upon the Table a Return showing the names of compositors employed in the Government Printing Office, date when first employed, also date of promotion to permanent staff, in cases where such has occurred?
 - (2.) Are the permanent staff compositors required to possess greater ability than those on the temporary staff?
 - (3.) Are the permanent staff compositors called upon to execute work of a more special or higher character than that which is required from those on the temporary staff?
 - (4.) Is it a fact that a number of compositors on the permanent staff have been employed for a less period than some of those on the temporary staff?
 - (5.) Are the permanent staff compositors entitled to any superior treatment in the matter of payment for holidays, or in any other way, beyond that given to those on the temporary staff; if so, please specify?
 - (6.) What are the special qualifications necessary to entitle the temporary staff compositors to the same privileges?

Answers.

- (1.) See Return attached hereto.
- (2.) Yes, and those only upon the temporary staff who possess the required ability are eligible for promotion.
- (3.) Yes, in special cases.
- (4.) Yes.
- (5.) Yes; permanent staff compositors are paid for holidays, temporary hands are not.
- (6.) Those which entitle the temporary compositor to promotion to the permanent staff.

The Government Printer desires to add that when compositors engage as temporary hands they sign rules which distinctly stipulate that they shall have no claim for payment for holidays, or for any time that the office may be closed. They are paid one penny per hour more for day-work than is paid under the Typographical Society's rules in private establishments in Sydney; and, in regard to piece-work, they also have the advantage of not being kept waiting for type, or sent away for short periods on account of waiting for "copy," as is frequently the case in private printing offices. In private establishments neither permanent nor temporary compositors, as a rule, receive payment for holidays. In the interests of the Department and the Public Service, it is considered that the system of employing temporary hands is a wise one, and that in no other way could the fluctuating exigencies of a large establishment like this be met, unless, of course, it were to be saddled with an unnecessarily large and expensive permanent staff. That the temporary staff of compositors is not harshly treated is amply proved by the fact that in several cases positions on the permanent staff have been offered to temporary hands, but refused by them; while, in other instances, permanent hands have requested to be put back again on the temporary staff, from which they had been promoted.

(No. 1.)

PERMANENT COMPOSITORS.

Name.	Date when first employed.	Date of promotion to permanent staff.	Name	Date when first employed.	Date of promotion to permanent staff.
Bagot, Thomas	26 July, 1852	26 July, 1852	Wilkes, Joseph	8 Mar., 1876	1 Mar., 1888
Williams, Charles	23 June, 1862	23 June, 1862	Lindley, William	28 Nov., 1877*	1 ,, 1888
Haggarty, Samuel	27 Feb., 1877	1 ,, 1883	Knight, William	4 Feb., 1878	1 ,, 1888
Atkinson, John	23 Aug., 1857	23 Aug., 1857	Hardwick, Henry W. D.	13 Aug., 1883*	1 ,, 1888
Drewe, John	1 June, 1856	1 June, 1856	Rush, James H.	25 Oct., 1880	25 Oct., 1880
M'Anally, John	6 Jan., 1862	6 Jan., 1862	Merchant, Arthur	19 Jan., 1881	19 Jan., 1881
Pollock, John	21 Sept., 1874	1 June, 1883	Atkins, Albert E.	29 April, 1881	29 April, 1881
Feather, William	19 Aug., 1878	1 July, 1882	Griffiths, Robert	23 Dec., 1881	23 Dec., 1881
Hunter, David	30 July, 1866	30 ,, 1866	Houseman, Charles	10 Jan., 1882	10 Jan., 1882
Crowe, Thomas	2 Feb., 1870	1 Mar., 1877	M'Cracken, Samuel	16 ,, 1860*	16 ,, 1860
Laurence, Thomas Elliot	20 April, 1874	1 ,, 1877	Turner, William	8 Sept., 1875	1 Nov., 1889
Leake, Samuel	2 Oct., 1869	1 Sept., 1878	Haynes, Abraham	6 Feb., 1888*	1 ,, 1889
Clough, Robert	29 July, 1872	1 Aug., 1879	Carr, Reginald	13 July, 1886*	1 ,, 1889
Winnett, Nevil	26 May, 1873	26 May, 1873	Wilkie, William Dick	21 Aug., 1882*	1 ,, 1889
Wilton, Edward George	28 Jan., 1879	1 June, 1883	Banfield, William	1 April, 1884*	1 ,, 1889
M'Cullough, William	11 Mar., 1879	1 ,, 1883	Howard, John	5 ,, 1886*	1 ,, 1889
M'Dermott, Frederick	8 Nov., 1875	1 July, 1883	Taggart, John	10 ,, 1884*	1 ,, 1889
Wallace, William	1 Dec., 1874	1 Dec., 1874	Webster, David	16 Feb., 1886*	1 ,, 1889
Chapman, William John	1 Feb., 1872	1 June, 1883	Ross, Charles Edward	12 July, 1886*	1 ,, 1889
Finn, James	1 Mar., 1876	1 ,, 1883	Bosler, Martin	19 Jan., 1883*	1 ,, 1889
Manning, John	13 June, 1876	1 July, 1883	Machin, Francis	6 Nov., 1879*	1 ,, 1889
Shettle, Frederick	5 Feb., 1877	1 June, 1883	Bowmaker, Robert	31 May, 1884*	1 ,, 1889
Pearce, John	30 Jan., 1879	1 ,, 1883	Edgecombe, James Richard	30 July, 1879*	1 ,, 1889
Bongers, Hendrick John	15 Sept., 1879	1 ,, 1883	Fox, Robert Augustus	5 ,, 1886*	1 ,, 1889
Thompson, William	27 Jan., 1881	1 ,, 1883	Cartledge, Thomas Alfred	26 Feb., 1883*	1 ,, 1889
Marshall, William	13 Feb., 1878	1 ,, 1883	Dick, John	22 ,, 1887	1 ,, 1889
Hanlon, Thomas	28 Aug., 1882	1 Mar., 1888	Kerr, Eldon	27 Jan., 1887*	1 ,, 1889
Kearney, Thomas	15 Sept., 1875*	1 ,, 1888	Kelman, John	5 Dec., 1882*	1 ,, 1889
Brown, John Edward	22 Jan., 1884*	1 ,, 1888	Donovan, Denis	10 May, 1886*	1 ,, 1889
Carroll, Thomas	31 ,, 1879	1 ,, 1888	Steward, James, jun.	26 July, 1886*	1 ,, 1889
Stuckey, John	3 ,, 1879	1 ,, 1888	Bass, Alfred Blackley	8 Aug., 1882	8 Aug., 1882
Watts, John H.	6 Nov., 1879	1 ,, 1888			

* Services not continuous

TEMPORARY COMPOSITORS.

Name.	Date when first employed.	Name.	Date when first employed.
O'Connor, Patrick	23 Nov., 1865*	Robins, William	9 Feb., 1887*
Allen, John	1 Jan., 1851*	Cherry, William	28 Jan., 1884*
Rose, Charles	27 ,, 1874*	Dent, William Howard	28 Nov., 1887
Robertson, Samuel Trezeder	24 Sept., 1874*	Noonan, Patrick Joseph	30 June, 1886*
St. Julian, James	7 Dec., 1875	Warren, William	6 Aug., 1867*
Robinson, Ernest George	31 Mar., 1884	Pelletier, Pierre	29 ,, 1887*
Solomons, James	10 Nov., 1885	Staunton, Henry	16 April, 1879
Ironside, Edgar	3 Mar., 1879	Watkins, William	2 Feb., 1886*
Campbell, Donald	11 Oct., 1883*	Potter, Alfred	12 ,, 1883*
Pryor, James Thomas	14 July, 1881*	Paterson, Charles	2 ,, 1888
Brettell, Henry George	22 Aug., 1882*	Ussher, Daniel	3 April, 1888
James, Richard	11 ,, 1886*	Hardwick, George James	28 Jan., 1885*
Rhodes, William Joseph	11 ,, 1885*	Hodgins, Charles Hope	11 Feb., 1888*
Peachey, Charles Isaac	12 Feb., 1883*	Hogan, George Patrick	27 May, 1885*
M'Farland, Roland	4 Oct., 1882*	Wilson, Charles	5 Feb., 1889
M'Donnell, John	12 Feb., 1883*	Hyde, Joseph James	7 ,, 1889
Solloway, Harry John	14 ,, 1881*	Stone, Andrew William	18 Jan., 1886*
Sutton, Edwin Church	6 June, 1881*	Lutton, John, senior (1)	24 July, 1882*
Groves, George	13 Jan., 1881*	Verco, Richard	22 April, 1884*
Lansley, William	22 ,, 1884*	Comerford, Richard	2 Feb., 1886*
Brien, William James	17 April, 1882*	Felton, William John	31 Jan., 1885*
Smith, William Joseph (1)	29 Mar., 1886*	Long, Walter Robert	25 Feb., 1886*
O'Brien, William	29 May, 1882*	Brown, James Muir	10 Oct., 1887*
Edwards, Frank	29 Jan., 1884*	Yates, Joseph George	9 June, 1887*
Hurley, Edward Harrison	1 Feb., 1882*	Rogers, William James	31 May, 1887*
Tickle, William Henry	13 July, 1882*	Muir, Henry	1 June, 1887*
Ferguson, Henry Arthur (1)	15 April, 1884*	Haggarty, George	20 Jan., 1883*
Wilshire, Oscar	20 Feb., 1884*	Buckleton, Fitzroy Augustus	18 ,, 1889*
M'Crory, John Felix	4 Jan., 1887	Taylor, Adolphus John	6 July, 1881*
Cullen, William Thomas	3 May, 1886*	Wilton, Charles Edward	19 Aug., 1878*
Lutton, Robert Graham (2)	13 ,, 1886*	Bell, Frederick	8 Mar., 1877*
Trenbath, George Frederick	19 Jan., 1884*	Dunn, John	15 July, 1879*
M'Mahon, Francis	4 Feb., 1881*	Burton, Frederick	20 Oct., 1879*
King, James Joseph	18 April, 1883*	Fletcher, Thomas Adam	20 June, 1881*
Ferguson, William (2)	6 Nov., 1879*	Macdonald, Finlay Rankin (2)	19 Sept., 1887*
Macdonald, Charles Edward (1)	12 Feb., 1879*	Addison, George Richard	17 Jan., 1877*
Champion, William Henry	9 ,, 1874*	Duncan, Frederick	28 ,, 1886*
Hawkins, Michael James	14 May, 1886*	Armstrong, William Frederick	23 Feb., 1876*
Weaver, Eustace	9 Feb., 1884*	Smith, James (2)	2 Apl., 1884*
Weir, Thomas Wesley	6 May, 1886*	Sharp, William Henry	27 May, 1889
Lee, Henry Wesley	4 Sept., 1885*	Brothers, Charles	5 June, 1889
Asztalos, Joseph	19 April, 1883*	Slattery, James	7 Feb., 1889*
M'Neall, Edward	12 Feb., 1886*	Drake, Edwin Frederick	30 May, 1887*

TEMPORARY COMPOSITORS—*continued.*

Name.	Date when first employed.	Name.	Date when first employed.
Beck, Lancelot Joseph.....	11 June, 1888*	Higgins, James	4 Jan., 1887*
Kelly, Joseph.....	29 Mar., 1886*	Bamford, James Bromley	27 May, 1886*
Clarkson, Thomas Henry	19 Aug., 1889	Egan, Lewis Thomas	9 Feb., 1887*
Mason, William Archibald	11 Nov., 1889	Hamilton, Henry	5 ,, 1890*
Inglis, John	21 Jan., 1882*	Foster, Francis Henry	24 Mar., 1890
Barry, Richard Albon	2 Dec., 1889	Colebrook, Thomas Edward	31 ,, 1890
Lunn, Hedley	17 Aug., 1883*	Randall, Charles William Miller	7 May, 1890
Stevens, George.	5 Feb., 1890	Hendley, Joseph	2 June, 1890
Best, Walter	4 ,, 1890*	Helmich, Anthony Thomas.....	31 Jan., 1882*
Harrison, Thomas.....	10 ,, 1890	Mitchell, John	4 June, 1890
Burcher, Nicholas Robert	13 ,, 1890*	Wall, Thomas	5 ,, 1890
Hornsby, Albert William	5 ,, 1890*	Kain, Sydney Andrew.....	11 ,, 1890
Lavelle, William	7 ,, 1889*	Fisher, James (2)	20 Aug., 1889*
Canty, John David	24 Apl., 1889*	Reynolds, Thomas.....	20 Jan., 1876*
Mann, John Vincent.....	5 Feb., 1890*	Thornton, Charles.....	23 June, 1890

* Services not continuous.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

APPOINTMENT OF DR. C. LÉPÉRVANCHE AS GOVERNMENT MEDICAL OFFICER AT NARRABRI.

(CORRESPONDENCE RELATING TO.)

Ordered by the Legislative Assembly to be printed, 9 October, 1890.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 17th September, 1890, That there be laid upon the Table of this House,—

- “ (1.) Copies of all papers and correspondence relating to the appointment of Dr. C. Lépervanche as Government Medical Officer at Narrabri.
“ (2.) Copies of all complaints, reports, and evidence, with all letters and correspondence in reference to Dr. Lépervanche’s want of qualifications for the position, and reports thereon by the Board of Health.”

(*Mr. J. P. Abbott.*)

L. Segol, Esq., M.D., to The Colonial Secretary.

Sir,

Narrabri, 15 November, 1870.

I have been for the last three years Government Vaccinator at Narrabri. I am now removing to Tenterfield. I beg to propose, as my successor, Dr. Lépervanche, a legally-qualified medical practitioner of the Board of New South Wales.

L. SEGOL, M.D.,
Narrabri Hospital.

The Medical Adviser to the Government for report.—H.H., B.C., 25/11/70. There cannot be any objection to Dr. Segol’s proposal. The office of Government Medical Officer is also vacant.—C.M.K., 25/11/70. The Principal Under Secretary. May, perhaps, be approved.—C.C., 29/11/70.

Minute Paper for the Executive Council.

Colonial Secretary’s Office, Sydney, 21 December, 1870.

I RECOMMEND that Charles Mezierè de Lépervanche, Esquire, be appointed Government Medical Officer and Vaccinator for the district of Wee Waa, in the room of Louis Segol, Esquire, left the district.

CHARLES COWPER.

Approved.—B., 14/12/70. The Executive Council advise that the appointments herein recommended be approved and carried into effect.—ALEX. C. BUDGE, Clerk of the Council. Min. 70-48, 5/12/70. Confirmed, 6/12/70.

The Principal Under Secretary to C. M. de Lépervanche, Esquire, M.D.

Sir, Colonial Secretary's Office, Sydney, 15 December, 1870.
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 you to be Government Medical Officer and Vaccinator for the district of Wee Waa in the room of Louis Segol, Esquire, left the district, and that a notification of your appointment will be published in to-morrow's *Government Gazette*.

I have, &c.,
HENRY HALLORAN.

Extract from *Government Gazette*, 16 December, 1870.

Colonial Secretary's Office, Sydney, 15 December, 1870.
His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint the undermentioned gentlemen to be Government Medical Officers and Vaccinators for the districts specified in connection with their names respectively, viz. :—

*	*	*	*	*	*
*	*	*	*	*	*

Wee Waa.—CHARLES MEZIERÈ DE LÉPERVANCHE, Esquire.

CHARLES COWPER.

The Police Magistrate, Narrabri, to The Under Secretary of Justice.

Sir, Court-house, Narrabri, 29 July, 1890.
It having been reported to me by Dr. A. Macqueen, of this place, that he is in receipt of a letter from the University of Paris to the effect that one Charles Mezierè de Lépervanche, registered as M.D., Univ. Paris, 1869, is unknown at that University, and as this gentleman (de Lépervanche) holds the appointment of Government Medical Officer for this district, I deem it my duty to report the matter to you, so as to enable you to take such steps as you may think necessary.

I have, &c.,
JNO. F. KENYON, P.M.

P.S.—Since writing the above I have received the attached letter from Dr. de Lépervanche.—Jno. KENYON, P.M., 30/7/90.

Might be referred to the Government Medical Adviser. Submitted.—A.C.F., 31/7/90. Approved.—A.J.G., 4/8/90. The Secretary to the Government Medical Adviser.—T.E.M'N.; B.C., 5/8/90. Dr. Macqueen should be asked for the evidence on which he has made report to P.M. at Narrabri.—F.N.M., 6/8/90.

[Enclosure.]

Sir, Narrabri, 29 July, 1890.
I am credibly informed that an official letter has been communicated to you, purporting to show that I am not a Doctor in Medicine of the Faculty of Paris, as I represent myself to be; therefore, that the position I have held as Government Medical Officer for nearly twenty years has been usurped by means of false pretences, and my life in this country has been but a living lie.

Such an insult to my character as a gentleman, to my professional honour as a physician (M.D.) of a school second to none in the world, calls for prompt redress; and I earnestly entrust you, the highest Government Officer here, to communicate at once with the Minister for Justice, that an inquiry may be instituted without delay, and my fair name (a name which, I may proudly say, has for centuries been synonymous of honour and probity) vindicated from such a foul aspersion. Your prompt action in this matter will entitle you to the everlasting gratitude of

Yours, &c.,
C. M. DE LÉPERVANCHE, M.D.,
Government Medical Officer for the District of Narrabri.

J. F. Kenyon, Esq., P.M., Narrabri.

The Secretary, Board of Health, to A. J. Macqueen, Esq.

Sir, Board of Health Office, 127, Macquarie-street, Sydney, 6 August, 1890.
The Police Magistrate at Narrabri having reported to the Government that you have informed him of the receipt of a letter from the University of Paris to the effect that the name of Dr. C. M. de Lépervanche is there unknown, I am directed by the Medical Adviser to the Government to ask you to have the goodness to forward the evidence upon which you made report to Mr. Kenyon.

I have, &c.,
EDMUND SAGER,
Secretary.

A. J. Macqueen, Esq., to The Secretary, Board of Health.

Sir, Narrabri, 11 August, 1890.
Replying to yours of the 6th instant, I have to state that on 23rd April last I wrote to the University of Paris respecting the qualification of the Government Medical Officer here, and received reply, dated 6th June, as follows.

On 25th July last I reported the matter to the Secretary of the Medical Board for official inquiry.

I have, &c.,
ARCH. J. MACQUEEN.

[Enclosure.]

[Enclosures.]

The Registrar, University of Paris.

Dear Sir,

Narrabri, New South Wales, Australia, 23 April, 1890.

A person, giving his name as Charles Mezierè de Lépervanche, is practising in this district as a medical man, and states that he obtained a qualification in Paris in 1869.

Some doubt having arisen as to his *bona-fides*, I shall esteem it a favour if you will consult your records and reply at your early convenience, informing me whether any one bearing this name (C. M. de Lépervanche) secured any qualification in Paris during 1869.

If so, will you kindly state what diploma was obtained (M.D. or Officier de Santé), and the present residence of the candidate to whom the diploma was granted, if known to you.

I am, &c.,

A. J. MACQUEEN.

Réponse à la lettre du 23 Avril.

Monsieur,

Faculté de Médecine, Paris, 6 Juin 1890.

M. Charles Mezierè de Lépervanche qui fait l'objet de votre lettre du 23 Avril dernier, est inconnu à la Faculté de Médecine de Paris.

Ce renseignement m'est fourni par M. l'Archiviste de la Faculté.

Agréez Monsieur l'expression de mes sentiments très-distingués.

Le Secrétaire,

PUSSRY.

Monsieur Macqueen, Narrabri, New South Wales, Australie.

The Secretary to the Medical Board of New South Wales.—F.N.M., 13/8/90. The matter was considered by the Medical Board prior to the receipt of this.—A.H., 20/8/90.

As this is a matter affecting an officer of this Department, an inquiry appears to be necessary at as early a period as possible, and I shall be glad to learn at what conclusion the Medical Board arrives, so that the Colonial Secretary may be informed.—F.N.M., B.C., 22/8/90. Urgent. The Secretary, Medical Board.

The Medical Board of New South Wales having considered the case of Dr. Charles Mezierè de Lépervanche, find that he was placed on the Medical Register of New South Wales in 1870 as a Doctor of Medicine of the University of Paris, and they are satisfied that he possesses that degree. They are also satisfied, from documentary evidence, that the gentleman before the Board is the Dr. Lépervanche residing at Narrabri.—A.H., 27/8/90. The Medical Adviser.

The Police Magistrate should be informed, in accordance with minute from Medical Board, and the papers forwarded for the information of the Colonial Secretary.—F.N.M., 28/8/90.

The Secretary, Board of Health, to The Police Magistrate, Narrabri.

Sir,

Board of Health Office, 127, Macquarie-street, Sydney, 28 August, 1890.

Referring to your letter of the 29th ultimo to the Under Secretary of Justice, respecting Mr. Macqueen's statement that Dr. C. M. de Lépervanche is unknown at the University of Paris, I am directed by the Medical Adviser to the Government to inform you that the papers were duly considered by the Medical Board, and to forward you, on the other side, a copy of that body's decision.

"The Medical Board of New South Wales having considered the case of Dr. Charles Mezierè de Lépervanche, find that he was placed on the Medical Register of New South Wales in 1870 as a Doctor in Medicine of the University of Paris, and they are satisfied that he possesses that degree. They are also satisfied, from documentary evidence, that the gentleman before the Board is the Dr. Lépervanche residing at Narrabri."

I have, &c.,

EDMUND SAGER,

Secretary.

A. J. Macqueen, Esq., to The Secretary, Board of Health.

Dear Sir,

Narrabri, 8 September, 1890.

I have received from the Secretary of the Medical Board a letter stating the conclusions arrived at by the Board at its inquiry into the professional status of Dr. C. M. de Lépervanche.

As the finding is so distinctly opposed to the clear statement of the Paris authorities, and as their statement reached you through me, may I be permitted to ask—

1. Whether the diploma produced bore the name as registered here?
2. If not, whether such alteration was made with the knowledge and sanction of the Paris University?
3. Is the registration here correct in its present form as a registration of the document in question?

I have, &c.,

A. J. MACQUEEN.

Dr. Macqueen may be informed that his letter has been forwarded to the Medical Board, who did not furnish this Department with any reasons for the decision arrived at.—F.N.M., 11/9/90. The Medical Board,—F.N.M., 11/9/90. Copy of letter addressed to Dr. Macqueen herewith. The Medical Adviser.—A.H., 13/9/90.

The Secretary, Board of Health, to A. J. Macqueen, Esq.

Sir,

Board of Health Office, 127, Macquarie-street, Sydney, 11 September, 1890.

I am directed by the Medical Adviser to the Government to inform you that your letter of the 8th instant has been referred to the Medical Board, who did not furnish this Department with any reasons for the decision arrived at in the case of Dr. C. M. de Lépervanche.

I have, &c.,

EDMUND SAGER,

Secretary.

The

The Secretary, Medical Board, to A. J. Macqueen, Esq.

Sir,

Medical Board of New South Wales, Sydney, 13 September, 1890.

In reply to your letter of the 8th instant, addressed to the Secretary, Board of Health, making certain inquiries with reference to the conclusions arrived at by this Board at its inquiry into the professional status of Dr. C. M. de Lépervanche, I beg to inform you that the Board, having duly inquired into the case, and having fully satisfied themselves that he is a duly qualified medical practitioner, I have no further information to afford you on the subject.

I have, &c.,

ANDREW HOUISON,

Secretary.

These papers might, perhaps, be placed with others in Dr. Lépervanche's case, now with the Principal Under Secretary.—F.N.M., 16/9/90. The Principal Under Secretary. Have a short *précis* made.—C.W., 4/9/90. *Précis* herewith, 8/9/90.

Précis.

Certain allegations against Dr. C. M. de Lépervanche, of Narrabri.

29th August,
1890.

THE Police Magistrate at Narrabri reports to the Minister of Justice that it is alleged by Dr. Macqueen, of Narrabri, that Dr. C. M. de Lépervanche, the Government Medical Officer at that place, who is registered in this Colony as an M.D. of Paris University, 1869, is not legally entitled to that diploma, and that he is unknown to that University. Mr. Kenyon also encloses to the Minister of Justice a letter addressed to him by Dr. de Lépervanche, in which he says he is aware of these allegations against him, and asking for an inquiry to be made to vindicate his character.

5th August,
1890.

The matter is referred to the Medical Adviser to the Government, who asks Dr. Macqueen to substantiate his allegations.

6th August,
1890.

Dr. Macqueen in reply, forwards a copy of a letter received by him from the Faculty of Medicine, Paris, stating that Mr. Charles Mezierè de Lépervanche is unknown to that institution.

11th August,
1890.

The matter being then sent to the Medical Board of New South Wales for their information, they state that they are satisfied that Mr. Charles Mezierè de Lépervanche is an M.D. of Paris University.

22nd August,
1890.

The decision of the Medical Board has been communicated to the Police Magistrate at Narrabri.

28th August,
1890.

Nothing further required.—C.W., 9/9/90.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

LEGISLATIVE COUNCIL.

(MEMORANDUM BY CLERK OF PARLIAMENTS, AND THE PRESIDENT'S MINUTE THEREON, IN
REFERENCE TO INCREASES OF SALARIES OF CERTAIN OFFICERS OF.)

Ordered by the Legislative Assembly to be printed, 9 December, 1890.

Proposed increase of salaries of Clerk of the Parliaments and Clerk Assistant of the
Legislative Council.

MEMO.

17 September, 1890.

The Honorable the Speaker having recommended that, on the Supplementary Estimates for the current year, the salary of the Clerk of the Legislative Assembly should be increased to £1,000, and that of the Clerk Assistant to £750 per annum, I feel that I may justly ask that you will recommend the proportionate increase of my salary as Clerk of the Parliaments and that of the Clerk Assistant of the Legislative Council to £800 and £600 respectively. This would only involve in my case an increase of £40 and in that of Mr. Clapin of £50 per annum, and such increases would merely place our respective salaries on a fairly proportionate scale to those paid to the officers holding corresponding positions in the Legislative Assembly. As the senior officers of Parliament I may, I think, fairly claim for Mr. Clapin and myself kindly and favourable consideration at your hands in this matter.

I may mention that the appointment of so many additional members to the Legislative Council has unquestionably materially increased the work of this Department.

JOHN J. CALVERT.

Memo.

I have no hesitation in supporting the very reasonable application, on behalf of the Clerk of the Parliaments and the Assistant Clerk of Council, for an increase of their salaries from £760 to £800 in the one case, and from £550 to £600 in the other. I have for a long time refrained from proposing any increase in these salaries, though the Council were uniformly of opinion that its highest officers, having very responsible duties to perform, should receive a higher remuneration than the other branch of the Legislature seemed willing to admit; and now, in the face of more liberal provision for the officers of similar rank and responsibility, and considering the length of time during which Mr. Calvert and Mr. Clapin have held the positions which they now occupy, as they have always occupied them, with perfect efficiency, I cannot but feel that their claims ought to be recognised. With that feeling I have ventured to place these small increases in my Estimate for the Department in the hope and wish that they will be assented to as an acknowledgment of long and good service.

JOHN HAY.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. J. B. CASEY.

(PETITION OF.)

Received by the Legislative Assembly, 18 December, 1890.

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

The Petition of John Bartholomew Casey, late Clerk of Petty Sessions, Agent for the sale of Crown Lands, Registrar of the District Court, Warden and Mining Registrar, Officer of Customs, Registrar of Births, Deaths, and Marriages, Kempsey, Visiting Magistrate to the Bellinger River and to Gladstone at the Macleay River, praying that consideration of his claim for a pension of compensation for the period from the 19th April, 1853, until 1st July, 1883, during which he held and performed the duties incumbent on the offices which are abovenamed.

This Petition respectfully sheweth that your Petitioner was appointed clerk in the Audit Department on the 19th April, 1853, and that in a few months after he was placed on the permanent establishment of the Civil Service as a third class clerk, having passed the examination then required before the Examiners, Mr. Macpherson, Clerk to the Legislative Assembly, Mr. Riddell, Colonial Treasurer, and Mr. F. L. S. Merewether, Auditor-General. On the 1st July, 1860, your Petitioner was appointed Clerk of Petty Sessions at West Kempsey, Macleay River, having been sent for by Sir Charles Cowper (then Mr. Cowper), Colonial Secretary formerly, on four different occasions, and offered the following offices: Assistant Registrar of the District Court, Sydney, Clerk of Petty Sessions, Kiama, Clerk of Petty Sessions, Dungog, Clerk of Petty Sessions, Burrowa. Each of these offices your Petitioner accepted but not one was conferred upon him; each of the offices just named were bestowed upon another. Your Petitioner's duty as Clerk of Petty Sessions at West Kempsey was considerable; more than one hundred and twenty cases were disposed of annually. In cases where the accusation alleged a capital offence the evidence covered frequently more than sixty folios, which had to be entered before they were forwarded to the Law Department.

The duty of Crown Land Agent was difficult and laborious. There was an avidity amongst all classes to obtain land which caused warm competition. When he ceased to hold office there were nearly three thousand selections for the District of Bellinger River, and Nambucca River, now forming a separate Land Agency, were included in the West Kempsey Agency, and had to be attended to by your Petitioner. It is not an exaggeration to describe the work that your Petitioner had to meet as overwhelming; he was never able to be absent from his office between the hours of 9 a.m. and midnight on each day of the week.

The auction sales of land were onerous; at each sale there was much competition, many records had to be kept, many returns had to be prepared. There was much correspondence.

That as Registrar of the District Court your Petitioner had very laborious and important duties to perform; the average number of cases at each sitting was forty. Throughout the district there was a desire for litigation. The documents which had to be prepared, the records which had to be kept, and the correspondence occupied much time and required constant attention. Every Judge who presided at the different sittings of the Kempsey District Court expressed unreserved approval of your Petitioner's performance of the duties of Registrar.

As Warden and Mining Registrar very responsible and difficult work devolved upon your Petitioner. He had to visit Nanna Creek Gold-field, 147 miles north of Kempsey; he had to visit the Coorangula Antimony Mines, 16 miles west of Kempsey; he had to prepare and issue every miner's right and license and furnish to the Department of Mines returns that occupied much time to prepare.

As Registrar of Births, Deaths, and Marriages he had records to keep and returns to furnish that were intricate and laborious.

As officer of Customs your Petitioner had to clear *in* and *out* steamers and other vessels coming to and going from the Macleay. Occasionally steamers anchored at the heads of the Macleay, which required your Petitioner to travel 72 miles; the head of the Macleay being 36 miles from Kempsey occasions occurred when this journey had to be made during the night. A petition from the inhabitants caused your Petitioner to be appointed District Commissioner in Insolvency; many cases occupied much time in taking evidence and preparing the documents necessary for transmission to the Chief Commissioner in Insolvency with the evidence.

In 1866 your Petitioner unexpectedly on his part was placed in the Commission of the Peace. The notification that this position was conferred upon him came upon your Petitioner by surprise, for he never made any application for it, and it was wholly unknown to your Petitioner that anybody had done so.

Shortly after your Petitioner was appointed Visiting Justice to Boat Harbour, on the Bellinger River, 70 miles from Kempsey. He was the first magistrate that visited Boat Harbour and held a Court of Petty Sessions there. He visited and held a court there once a month for nearly two years, when a Police Magistrate was appointed to reside at Boat Harbour. Then your Petitioner ceased to visit. Previous to leaving, an address was presented to your Petitioner, conveying in decisive words the confidence of the inhabitants and their approval of his performance of the duty of Visiting Justice.

At the period when your Petitioner visited Boat Harbour the journey had to be made over a very rough country—no defined road—over deep creeks, and over the Nambucca River frequently at night. A well made road now traverses the distance from Kempsey to Boat Harbour; the creeks and Nambucca River have been for some years spanned by substantial bridges. The journey can now be performed with facility. When your Petitioner had to travel to Boat Harbour it was a journey of difficulty and danger. Of the great many cases which your Petitioner investigated during the period that he was Visiting Justice to Boat Harbour no complaint in any instance was made, his decision was not questioned in any case.

When he ceased to be Visiting Justice to Boat Harbour your Petitioner applied to be appointed Police Magistrate in conjunction with his office of Clerk of Petty Sessions at Kempsey.

Your Petitioner's application was approved, and for two years the item "Police Magistrate and Clerk of Petty Sessions, Kempsey," appeared on the Estimates, and was voted, but his appointment was never officially notified owing to prevalence of influence hostile to him, and for which your Petitioner never gave any provocation.

A petition from the inhabitants, very numerous signed, solicited that your Petitioner might be appointed Police Magistrate and Clerk of Petty Sessions at Kempsey.

It was ineffectual and acknowledged, but your Petitioner had to perform the duties incumbent on both those offices.

When a Court of Petty Sessions was proclaimed at Gladstone, situate on the Belmore River, your Petitioner was appointed Visiting Justice to that place; he held the office for nearly seven years, and until he ceased to hold office at Kempsey, of the great number of cases which your Petitioner heard and decided upon, in not one instance was his action questioned.

The work which your Petitioner had to perform was divergent, calling him to places widely apart, frequently requiring him to be at two localities at one time, in truth and in fact requiring him to be superhuman.

Twice he was summoned to attend and give evidence before the Supreme Court, Sydney. Your Petitioner addressed telegrams to the Department of Justice, describing the difficulty of obeying, owing to the urgent and important work he had to perform at the time, owing to the District Court being about to sit and the impossibility of your Petitioner procuring a competent or reliable person to act for him when absent.

Your Petitioner had to obey; he was detained one month on each occasion which was the law's delay not that of your Petitioner.

On his return your Petitioner found the accounts in a state of confusion, the records wholly unattended to; it was impossible to unravel them, and sums of money paid during my absence had disappeared which your Petitioner had to pay from his private means. The person who he had to employ as his *locum tenens* professing thorough clerical aptitude, but he was a worthless drunkard; your Petitioner was not a defaulter to any amount, for he adjusted every account, paid every sum that had been collected during his absence, from his private means.

The member for the district and the bench of magistrates seeing how crushing was the work which he had to contend with, represented his condition, and urged that the clerical assistants granted in other districts should be extended to your Petitioner.

These representations were of no avail, the assistance that was urgently required was not granted.

When ever duty called your Petitioner to any of the localities previously named your Petitioner had to employ a person to be his *locum tenens*, otherwise the public business at Kempsey, in the Court of Petty Sessions and Land Office, must have been interrupted—completely stopped.

Your Petitioner had to pay from his private means the person who was his *locum tenens* when your Petitioner was absent at any of the places where duty frequently called him.

Your Petitioner was removed from the Public Service on the 1st July, 1883.

The offices which he had held and the duties which he had performed for more than twenty-three years, the following persons were appointed in succession to your Petitioner:—

- i. Clerk of Petty Sessions and Registrar of the District Court,—Mr. Stevenson.
- ii. Agent for the Sale of Crown Lands, and Registrar of Births, Deaths, and Marriages,—Mr. C. A. Grubb.
- iii. Warden and Mining Registrar,—Mr. J. Ducat.
- iv. Officer of Customs,—Mr. Jackson, the pilot at the Macleay River.
- v. Visiting Justice to Gladstone, Belmore River,—Mr. J. W. Wilson.

After many representations and the fullest explanations by your Petitioner he was offered the appointment of Acting Clerk of Petty Sessions at Moama, with pay at the rate of £200 per annum. The pay which your Petitioner received at Kempsey was £400 per annum, exclusive of the fees which came to him from offices of Commissioner in Insolvency, Commissioner for taking Affidavits, and Registrar of the Small Debts Court.

His necessitous condition compelled your Petitioner to accept the position offered to him at Moama.

Moama is a border village. Most of the necessaries of life had to be procured from Victoria; the cost of living was much greater than at Kempsey.

In some months after he became Acting Clerk of Petty Sessions at Moama he was appointed Licensing Magistrate and Coroner for the district.

He was not the Police Magistrate, but as at Kempsey he had to perform the duties of that office.

Your Petitioner was for years afflicted with a malady that no treatment would alleviate or subdue—paralysis agitans. There was no professional assistance procurable at Moama, for no doctor resided there. Your Petitioner went twice to Victoria for the purpose of consulting a medical man. The result was an intimation that the malady was incurable and might end fatally at any moment. When deprived of his office your Petitioner forwarded a medical certificate describing his condition.

It is not customary in any service to punish an officer of any grade for non-performance of duty when disabled by no fault of his own, or to hold him accountable for delays, mistakes, and omissions that occurred when he was prostrated by a malady that a medical certificate pronounced beyond cure and endangered his life.

Your Petitioner furnished every account, rectified every mistake, paid every amount, and gave a clear and definite statement of the unavoidable cause of the delay which had occurred.

Your Petitioner respectfully solicits that his letters to the Hon. the Minister for Justice, dated 22nd February, 1889, and 24th December, 1889, may be produced.

Your Petitioner is 71 years old. His means are worse than straitened. He served the Government of New South Wales for more than thirty-four years.

Your Petitioner was granted the sum of £41 13s. 4d. in October, 1889, being compensation at the rate of one month's pay for the period that he served at Moama.

Your Petitioner respectfully prays that inquiry into the premises set forth and consideration of his claim for a pension or compensation for the period from the 19th April, 1853, to 1st July, 1883, under Statute 4th and 5th William 4th. And he approaches your Honorable House with the prayer that his case may be examined and weighed, and that justice and consideration may be meted out to him; and, as in duty bound, your Petitioner will ever pray.

J. B. CASEY.

“Gympie,” Toogood-street,
Macdonaldtown, 6th December, 1890.

1890.

NEW SOUTH WALES.

COAST HOSPITAL, LITTLE BAY.

(REPORT ON, FOR 1889.)

Presented to Parliament by Command.

The Medical Adviser to the Government to The Colonial Secretary.

Sir,

Sydney, 1 April, 1890.

I do myself the honor to submit the Annual Report on the working of the Coast Hospital at Little Bay for the year 1889, with appendices containing the usual returns.

The statistics of the Hospital have been prepared on the same plan as in former years and show with accuracy the work for the year, but the method adopted presents some objections, inasmuch as it differs somewhat from that usually followed by hospitals, and the returns cannot be completed as early as is desirable.

It is proposed in future years to adopt a new system, and to include in the returns only the work of the Hospital from January 1 to December 31.

Table I is a general statement, showing in a condensed form the movement of patients for the period under consideration. The total number of patients admitted was 1,813, which with 4 from last year makes a total of 1,817 under treatment. Of these 1,369 were discharged well, 253 better, and 32 unimproved; 53 were transferred to Government Asylums for the Infirm and Destitute, 4 to public Hospitals, and 7 to Hospitals for the Insane; whilst 99 died. On comparison with a similar statement for the year 1888 it will be seen that 119 more patients were admitted, and that the proportional number discharged well has considerably increased.

TABLE I.—General Statement, showing total admissions, transfers, discharges, deaths, average stay, and average daily number in Hospital, 1889; mortality, per cent., 5.44.

Remaining in on date of last Return.		Admitted.			Discharged.			Transferred.			Died.*		Average stay in days.	Average daily number.†
M.	F.	M.	F.	Total.	Well.	Better.	Un-changed.	To Government Asylums.	To Public Hospitals.	To Hospitals for Insane.	Removed by Friends.	Buried in Hospital Cemetery.		
3	1	1,231	582	1,817	1,369	253	32	53	4	7	45	54	39.9	198.9
		1,813												

* The deaths of persons dying in 1890 who were admitted in 1889 are included; also the death of 1 of the 4 patients remaining in from 1888.

† This number includes lepers.

The average stay in Hospital was 39.9 days, being a trifle less than in the previous year; and the average daily number in Hospital was 198.9, as against 197.12 in 1888. The death rate shows a slight diminution on the low death rate of 1888.

Table II shows the channels through which the patients admitted during the year reached the Hospital.

Through the Medical Adviser's office 395 patients were received, a large proportion of these being cases of typhoid fever; 1,339 patients came with orders from the Hospital Admission Depot; and 33 presented themselves at the Hospital and were admitted by the Medical Superintendent. Of the cases transferred from other institutions 25 (mostly cases of whooping cough) were sent from the Benevolent Asylum in Pitt-street, 12 from the Sydney, 4 from the North Shore, 2 from the Children's, and one from the Prince Alfred Hospitals, these being mostly cases of infectious diseases. One case was received from the Hospital for the Insane, Callan Park, and 1 from the Asylum for the Infirm and Destitute at Parramatta.

TABLE II.—Showing the channels through which all patients admitted during the year 1889 reached the Hospital, and the number received through each channel.

Medical Department.		Medical Superintendent.	Benevolent Asylum, Pitt-street.	Sydney Hospital.	North Shore Cottage Hospital.	Sick Children's Hospital.	Prince Alfred Hospital.	Callan Park.	Macquarie-street Asylum, Parramatta.	Total.
Medical Adviser's Office.	Hospital Admission Depot.									
395	1,339	33	25	12	4	2	1	1	1	1,813

Tables III, IV, and V deal, as in former years, with the statistics of typhoid fever. In Table III these cases are shown distributed under age and sex. The total number was 342 as against 241 in 1888. The death-rate was 7·01 per cent., and the average stay in Hospital 39·2 days. The death-rate was slightly higher than that for 1888, which was 6·20; but this record is still a highly satisfactory one, and reflects credit on the skill and care of the medical officers and nursing staff of the Hospital.

Table IV shows the channel through which the typhoid fever patients reached the Hospital, and, as will be seen, 252 out of the total were sent through the Medical Adviser's Office, admission being sought on the certificate of the medical practitioners who had been called in to see the patients.

Table V shows the district from which the typhoid fever patients were received. It will be seen that these cases were sent from nearly every part of the metropolitan and suburban area, and from places as far distant as Brisbane Water and Taree. No less than 29 cases were received from the North Shore, and the necessity for some provision for these cases in that district, so that they may be spared the long, trying, and really dangerous journey to the Coast Hospital, is yearly becoming more apparent.

TABLE III.—Showing the number of cases of Typhoid Fever distributed under sex and age, and the deaths at each age, which were admitted during 1889:—

(Average stay in Hospital, 39·2 days; mortality, per cent., 7·01.)

	0—5.		5—10.		10—15.		15—20.		20—30.		30—40.		40—50.		50—60.		60—70.		Total.
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
	Admissions.....	4	1	10	15	19	33	31	21	80	53	40	17	8	3	6	...	1		...	342
Deaths .....	...	...	...	1	...	...	2	4	5	7	3	2	...	...	...	...	...	...	24

TABLE IV.—Showing the channels through which all cases of Typhoid Fever admitted during the year reached the Hospital, and the number received through each channel, 1889:—

Medical Department.		Medical Superintendent.	North Shore Cottage Hospital	Total.
Medical Adviser's Office.	Hospital Admission Depot.			
252	71	15	4	242

TABLE V.—Showing the number of persons suffering from Typhoid Fever who were removed to the Coast Hospital for treatment from each district during the twelve months ending 31st December, 1889, and the deaths occurring therein during the same period.

District.	Admission.	Deaths.	District.	Admission.	Deaths.
METROPOLIS—			SUBURBS—		
Sydney	84	6*	Ashfield	1	.....
SUBURBS—			Western	3	.....
North- { Balmain	17	1	and	1	.....
Western. { Leichhardt	6	.....	Southern. { Kogarah	17	.....
{ Glebe	12	2	{ Marrickville	3	.....
			{ Petersham	3	.....
West { Newtown	19	3	North { East St. Leonards.....	11	1
Central. { St. Peters	7	.....	Shore. { St. Leonards	15	2
{ Camperdown	3	.....	{ North Willoughby	3	.....
{ Macdonaldtown	14	1	COAST HOSPITAL, LITTLE BAY.....	3	.....
			SHIPPING.....	1	.....
East { Redfern	23	.....	COUNTRY—		
Central. { Darlington	1	.....	Brisbane Water	3	.....
{ Alexandria	18	1	Rookwood	1	.....
{ Waterloo	15	1	Taree	1	.....
{ Botany, North	11	.....	ADDRESS NOT FIXED	3	.....
{ Botany	12	.....	Total	342	24
Eastern. { Paddington	7	1			
{ Randwick	3	2			
{ Waverley	10	1			
{ Woollahra	14	2			

* Two of these patients, who were admitted during 1889, died during 1890.

Table VI deals with infectious diseases, and shows the form of disease, the number of cases of each disease admitted, and the localities from which the cases were received. The total number of cases of infectious diseases, exclusive of erysipelas, received during the last seven years, 1884-9 inclusive, will be seen by the following figures:—

Cases of infectious diseases admitted	...	...	1884.	1885.	1886.	1887.	1888.	1889.
			12	17	50	63	89	76

In 1889 52 cases of erysipelas were also admitted. The return shows a falling off in the number of cases of measles and scarlet fever, and an increase in those of diphtheria and whooping-cough. The latter was unusually prevalent in Sydney and the suburbs for some months.

TABLE VI.—Showing localities, whence, and how many cases of infectious fevers, &c., were admitted in 1889:—

Locality.	Erysipelas.		Measles.		Scarlet Fever.		Diphtheria.		Chicken-pox.		Whooping-cough	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
Sydney	22	2	1	...	9	...	1	...	1	...	7	...
Benevolent Asylum, Pitt-street	...	...	...	...	...	...	...	...	...	...	20	2
Shipping	...	...	8	...	2	...	1	...	1	...	...	...
Not fixed	6	...	...	...	...	...	...	...	...	...	2	...
Glebe	3	...	...	...	...	...	2	2	...	...	...	...
Redfern	2	...	...	...	1	...	...	...	...	...	3	...
Paddington	1	...	...	...	1	...	...	...	...	...	3	...
Balmain	4	...	...	...	...	...	...	...	...	...	...	...
Alexandria	2	...	1	1	...	...	...	...	...	...	...	...
George-street Asylum, Parramatta	2	...	...	...	...	...	...	...	...	...	...	...
Leichhardt	2	...	...	...	...	...	...	...	...	...	...	...
Newtown	2	...	...	...	...	...	...	...	...	...	1	...
Randwick	...	...	...	...	2	...	...	...	...	...	...	...
Sydney Hospital	...	...	...	...	2	...	...	...	...	...	...	...
Botany	...	...	...	...	...	...	1	...	...	...	...	...
Campbelltown	1	...	...	...	...	...	...	...	...	...	...	...
Darlington	1	...	...	...	...	...	...	...	...	...	...	...
Five Dock	1	...	...	...	...	...	...	...	...	...	...	...
Granville	1	...	...	...	...	...	...	...	...	...	...	...
Macdonaldtown	...	...	...	...	...	...	1	...	...	...	...	...
Marrickville	...	...	...	...	...	...	1	...	...	...	...	...
Manly	...	...	...	...	1	...	...	...	...	...	...	...
Parramatta	1	...	...	...	...	...	...	...	...	...	...	...
Petersham	...	...	...	...	1	...	...	...	...	...	...	...
Sick Children's Hospital, Glebe	...	...	...	...	1	...	...	...	...	...	...	...
St. Leonards	...	...	...	...	1	...	...	...	...	...	...	...
Waterloo	1	...	...	...	...	...	...	...	...	...	...	...
Total	52	2	10	1	21	...	7	2	2	...	36	2
Mortality	3.84 %		10.0 %		0.00 %		28.5 %		0.00 %		5.5 %	

Table VII shows the age and sex, together with other particulars of the General Hospital cases, under treatment during the year. The total number of these cases under treatment was 1,475, and the deaths were 75, giving a mortality of 5.08 per cent. The average stay in Hospital was 39.7 days.

TABLE VII.—Showing the general cases distributed under sex and age, and the deaths at each age, during the year 1889.

(Average stay in Hospital in days, 39.7; mortality, 5.08 per cent.)

	0-5.		5-10		10-15.		15-20		20-30.		30-40.		40-50.		50-60.		60-70.		70-80.		80-90.		90-100.		Total.
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
Admissions	21	13	20	7	10	18	47	33	307	115	270	93	178	72	125	60	51	25	4	3	2	1	...	...	1,475
Deaths*	4	1	...	...	1	...	...	3	20	3	9	4	12	3	8	2	3	2	...	...	...	...	...	...	75

The deaths of persons dying during 1890, but who were admitted during 1889, and of those remaining in from 1888, are included.

Table VIII shows the number of lepers, and that this number was increased by two during the year. It was pointed out in the report on this Hospital for 1888 that the accommodation for these patients was altogether inadequate; the site of the buildings is objectionable in relation to the water supply of the Hospital, and the whole arrangements in the highest degree unsatisfactory.

Such steps as were possible have been taken to secure the water supply from pollution, and some improvements have been made with regard to the quarters for the newly-admitted European patients, but it was imperative that a new site should be chosen and new buildings on improved plans erected. During the last session of Parliament a vote was taken for the buildings, a site has been selected, and the preparation of plans by the Colonial Architect approved.

It is hoped that in two or three months will see these buildings erected and the whole Leper Hospital placed on a more satisfactory footing.

The necessity for a Leper Act, providing for the compulsory detention and isolation of persons afflicted with leprosy, is apparent, and should if possible be passed during the next session of Parliament

TABLE.

TABLE VIII.—Showing the number of Lepers who remained in Hospital at the end of 1888, who were admitted and discharged, and who died in 1889.

Number remaining in on 31st December, 1888.	Admitted.	Discharged	Died.	Number remaining in on 31st December, 1889.
11	2			13

Tables IX and X show the expenditure of the Coast Hospital for the year, and the expenses for the maintenance and treatment of patients in detail. The total expenditure has increased from £9,873 19s. to £11,729 7s. 10d. The cost per head has been £11 13s. 5d, exclusive of the ambulance service, and £51 18s. 6½d, inclusive of this.

The increase in the cost of maintenance has been due (1st) to the necessity for some increases to the staff which before was not sufficiently large to allow of the members receiving such holidays and relief from duty as was necessary for health, and (2nd) to the high contract rate for provisions during the year.

The ambulance service, always a very large but unavoidable expense, has been unusually costly by reason of the price of forage being about 50 per cent higher than in 1888, and from the necessity of replacing several of the ambulances which have been running for several years by new and more suitable conveyances. A serious ambulance accident, in which one vehicle was wrecked and a nurse severely injured, also added to the cost.

TABLE IX.—Statement of the total expenditure of the Coast Hospital for the year 1889, showing how the amounts have been paid.

Expenditure.		How Paid.	
	£ s. d.		£ s. d.
To working expenses as per table ..	10,333 12 8	By amount paid from hospital vote, by Medical Adviser to the Government ...	9,179 7 6
„ cost of erecting leper-house and additions to kitchen, &c. ...	177 5 6	„ amount paid from stores vote, by Superintendent of Stores ...	1,278 1 7
„ renewal and alteration of water supply and dam, expended by Colonial Architect	559 14 1	„ amount expended by Colonial Architect from vote under Works Department ..	1,221 1 5
„ erection of four small additional wards and purchase of furniture by Colonial Architect	588 12 6	„ amount expended by Government Printer	50 17 4
„ proceeds of the sale of horses, bones, fat, &c., paid to Treasury	60 3 1		
„ sale of unserviceable goods by the Stores Department	10 0 0		
	£ 11,729 7 10		£ 11,729 7 10

TABLE X.—Working Expenses of the Coast Hospital for the year 1889.

1889.	Total.		Average per head per annum	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
MAINTENANCE AND TREATMENT OF PATIENTS.				
Salaries :—				
Hospital Staff	3,037 10 1		15 5 3¼	
Provisions :—		3,037 10 1		15 5 3¼
Meat	1,028 8 1		5 3 4¼	
Bread	420 8 10		2 2 3	
Butter	215 2 7		1 1 7½	
Vegetables	138 2 4		0 13 10¼	
Potatoes	101 5 10		0 10 2	
Groceries	750 15 9		3 15 5½	
Milk	660 8 0		3 6 4½	
Eggs	360 0 4		1 16 2	
Poultry	10 2 9		0 1 0¼	
Wine, beer, and spirits	63 7 7		0 6 4½	
Sundries :—		3,748 2 1		18 16 8½
Drugs	183 15 6		1 8 6¼	
Fuel and lighting	409 13 1		2 1 2	
Disinfectants	26 5 6		0 2 7½	
Drapery, bedding, uniforms, &c.	412 19 2		2 1 6	
Ironmongery	117 5 6		0 11 9½	
Brush, glass, and crockery ware	53 14 3		0 5 4¼	
Coffins	68 8 0		0 6 10½	
Stationery, printing	73 4 1		0 7 4¼	
Petty expenses	61 16 5		0 6 2¼	
		1,507 1 6		7 11 5½
Total, Maintenance and Treatment of Patients		8,292 13 8		41 13 5
Ambulance :—				
Salaries and rations	422 17 11		2 2 6	
Forage	533 12 0		2 13 7½	
Repairs, remounts, &c.	457 18 9		2 6 0¼	
Repairs :—		1,414 8 8		7 2 1¼
Salaries and rations	429 14 7		2 3 2¼	
Materials, &c.	196 15 9		0 19 9½	
		626 10 4		3 2 11¼
Total		10,333 12 8		51 18 6½

In Appendix A will be found a classification of the diseases treated, showing that febricula has been carefully distinguished from typhoid fever. The occurrence of 14 deaths from phthisis, out of a total of 53 admissions, would seem to point to the unfitness of the site of this Hospital for phthical cases.

Appendix B shows particulars relative to the patients who died in hospital, and the dietary scales, &c., are given in Appendix C.

In reviewing the work of the Hospital for the year it will be seen that this work has been large and varied, and has been carried out, on the whole, satisfactorily and at a reasonable cost. The Hospital, indeed, forms an important and, at present, indispensable part of the Metropolitan Hospital system, and though it may be at once conceded that a number of the general Hospital cases could have been as well treated in a Sick Asylum or Poor-house Hospital, the cases of fever and infectious disease could have had no more fitting retreat or been so satisfactorily attended to elsewhere. It will be seen that the cases of typhoid fever under treatment increase in number from year to year, that the cases of infectious fevers are much larger in number, during the last two years, than when the Hospital was first reopened on its present basis, and that the cases of erysipelas and syphilis have also increased in number. Looking to the future it would appear that this Hospital might most fitly be devoted entirely to the reception and treatment of cases of infectious diseases, including typhoid fever, scarlet fever, measles, diphtheria, chicken-pox, whooping-cough, erysipelas, syphilis, and leprosy.

Its usefulness for this purpose is becoming every year more apparent, and when an Act is passed for the due notification of infectious diseases—a measure which cannot long be delayed—the need for hospital care and isolation for these cases will be even more felt than it is at present.

The accommodation of the Hospital and the facilities for treatment have been increased during the year, by the erection of four small isolated rooms for delirious and other special cases. New stores and dispensary are in course of erection, and will permit of an improvement in the officers' quarters, and the conversion of a room at present used as a store into a hall for religious services and other gatherings. Plans for a laundry for the lock wards, improvements to the water supply, and new closets and bath-rooms have been prepared, and are about to be carried out. These works will increase the resources of the Hospital, render its sanitary arrangements more satisfactory, and remove some of the more serious obstacles to its successful management.

The Medical Superintendent points out the great want of accommodation for married members of the staff, who are now obliged to locate their families at a great distance from the hospital, and live in considerable discomfort. It is clearly time that some provision should be made for the domestic comfort of those who are serving the institution faithfully, and may be reckoned as permanent members of the staff.

Dr. Peirce has carried out the duties of Medical Superintendent during the year with his usual energy and skill, and is to be again congratulated on the successful results of his work. His report of the conduct of the officers and staff is satisfactory, and such vacancies as have occurred have been filled by the appointment of competent persons. Mrs. Mackay has continued to act as Matron, and has displayed a warm interest in, and a high capacity for, the duties of the position.

I have, &c.,

F. NORTON MANNING, M.D.

APPENDIX A.

Diseases.	Admissions.	Deaths.
CLASS I.—ZYMOTIC DISEASES.		
Order 1. Miasmatic Diseases—Scarlatina, measles, diphtheria, dysentery, fevers, &c. {	342	24
Enteric fever	69	.....
Febricula ...	1·3	17
Other cases	280	1
Order 2. Euthetic Diseases—Syphilis, gonorrhœa, &c.	49	.....
Order 3. Dietic Diseases—Scurvy, alcoholism, &c.	9	.....
Order 4. Parasitic Diseases—Thrush, hydatids, &c.		
CLASS II.—CONSTITUTIONAL.		
Order 1. Diathetic Diseases—Gout, dropsy, cancer, &c.	4	2
Order 2. Tubercular Diseases—Scrofula, phthisis, abscess, &c.	80	16*
CLASS III.—LOCAL.		
Order 1. Nervous—Apoplexy, paralysis, brain disease, &c., chorea, &c.	46	5
Order 2. Circulation—Pericarditis, aneurism, heart disease, &c.	28	8
Order 3. Respiratory—Bronchitis, pneumonia, asthma, &c.	137	8
Order 4. Digestive—Gastritis, enteritis, peritonitis, hernia, &c.	43	2
Order 5. Urinary—Nephritis, ischuria, diabetes, &c.	59	9
Order 6. Generation—Ovarian dropsy, uterus diseases, &c.	24	.....
Order 7. Joints—Arthritis, osteitis, periostitis, &c.	177	.....
Order 8. Integumentary—Phlegmon, ulcer, skin diseases, &c.	141	.....
CLASS IV.—DEVELOPMENTAL.		
Order 3. Old People—Old age	16	1
Order 4. Nutrition—Atrophy, debility, &c.	46	6
CLASS V.		
Order 1. Accident or Negligence—Fractures, contusions, burns, drowning, suffocation, &c.	67	.....
Unspecified.....	17	.....
Total	1,817	99

* Fourteen deaths from phthisis out of 53 admissions.

APPENDIX B.

SHOWING the names, &c., of all patients who died at the Coast Hospital during 1889.

No.	Name.	Date of Admission.	How admitted.	Age	Disease.	Complications.	Date of Death.	No. of days in Hospital.	Cemetery No
1524	John M'Lean	1888. 23 Nov. ...	Med. Adv.	50	Aortic and mitral valve disease.	Anasarca	1889. 4 Jan. ..	43	Removed.
1634	George Kitney.....	14 Dec. ...	"	32	Enteric fever	Pulmonary congestion.	5 " ..	23	"
1660	Mary Ann M'Farlane...	21 " ..	"	35	"	Intestinal hæmorrhage and asthenia.	5 " ..	16	"
1545	David Taylor	27 Nov. ...	"	13	Acute bronchitis	"	6 " ..	41	"
1624	Thomas Richardson.....	12 Dec. ...	H.A. Dep.	45	Malaria	Hepatitis	8 " ..	28	No. 356.
78	Matilda Smith	15 Jan. ...	Med. Adv.	55	Asthenia after sub-acute rheumatism.	"	17 " ..	3	Removed.
1528	William Charles	24 Nov. ...	H.A. Dep.	64	Mitral valve disease...	Anasarca	19 " ..	57	No. 357.
101	Elizabeth Gillard.....	19 Jan. ...	Med. Adv.	65	Senile debility	Pulmonary congestion.	24 " ..	5	Removed.
124	Freeman Way	24 " ..	"	63	Albuminuria	Ascites	5 Feb. ...	13	"
71	Mark Jessop.....	13 " ..	"	18	Enteric fever and hemiplegia.	Pneumonia ..	6 " ..	25	No. 358.
1630	Mary O'Neil	14 Dec. ...	H.A. Dep.	60	Senile debility	Bronchitis ...	6 " ..	55	No. 359.
45	Thomas Patterson	9 Jan. ...	"	25	Albuminuria.....	Uræmia	20 " ..	43	Removed.
266	Maggie Thompson ...	20 Feb. ...	"	17	Enteric fever	Cardiac failure and collapse	27 " ..	8	No. 360.
360	Herbert Crimmins	9 Mar. ...	M.A. (Sy. Hp.)	3	Diphtheria	"	10 Mar. ...	13	"
351	August Heidmann	8 " ..	"	40	Erysipelas of face and otitis	Meningitis ...	14 " ..	7	Removed.
282	Charles L. Knell	25 Feb. ...	Med. Adv. ...	25	Phthisis	"	15 " ..	19	No. 362.
305	Honor Prendergast	28 " ..	"	28	Enteric fever	"	18 " ..	19	Removed.
396	Peter Clarke	18 Mar. ...	H.A. Dep.	28	Cerebral effusion and paralysis.	Apoplexy	22 " ..	5	No. 363.
345	Ellen Williams	6 " ..	Med. Adv.	30	Enteric fever	Pneumonia ...	23 " ..	18	Removed.
327	William Jordan	3 " ..	"	25	Hepatitis	"	23 " ..	20	No. 364.
398	James S. Rose	18 " ..	"	26	Cerebral meningitis..	"	26 " ..	9	Removed.
462	Jack	28 " ..	H.A. Dep.	24	Pneumonia	Pleuritis	1 April... 5	5	No. 365.
465	William Main	28 " ..	Med. Adv.	25	Enteric fever	Acute encephalitis	5 " ..	9	Removed.
494	Elizabeth Budrodeen ...	2 April ...	"	35	Phthisis.....	Bronchitis...	11 " ..	10	No. 366.
488	Frederick Richards	1 " ..	"	29	Asthenia after sunstroke	"	11 " ..	11	Removed.
150	Joseph Alldred	30 Jan. ...	H.A. Dep.	58	Mitral valve disease ..	Senile gangrene	13 " ..	73	No. 367.
500	Charles Anderson	3 April ...	"	45	Hepatic congestion ...	Anasarca	16 " ..	14	Removed.
148	William Gould.....	30 Jan. ...	"	26	Phthisis	"	17 " ..	78	No. 368.
483	Ellen Griffiths	30 Mar. ...	Med. Adv.	23	Enteric fever	Delirium	17 " ..	19	Removed.
404	Edward Baxter	19 " ..	Col. Secretary	47	Phthisis.....	"	22 " ..	35	No. 369.
610	Annie Carrick	23 April ...	Med. Adv.	21	Enteric fever	Acute delirium	26 " ..	4	Removed.
535	Patrick Mulqueeney ...	8 " ..	"	23	"	Perforation and peritonitis.	30 " ..	23	"
565	Frank George Dove.....	14 " ..	"	31	"	Acute delirium	1 May. ...	18	No. 370.
415	Thomas Partridge	21 Mar. ...	H. A. Dep.	35	Phthisis	"	2 " ..	43	No. 371.
643	Martha Coates	30 April... 3	Med. Adv. ...	39	Acute peritonitis ..	"	2 " ..	3	Removed.
621	John Taylor	24 " ..	Med. Adv. (at N. Shore Cottage Hospital).	25	Enteric fever	Acute delirium	3 " ..	10	No. 372.
1629	Mark Hart	1888. 13 Dec. ...	H. A. Dep. ...	50	Chronic abscess ..	Asthenia	9 " ..	148	No. 373.
683	Margaret Joyce	1889. 7 May ..	"	19	Phthisis	"	14 " ..	8	No. 374.
716	Mary Salter	13 " ..	Med. Adv. ...	29	Enteric fever	Suppurative laryngitis.	16 " ..	3	No. 375.
708	Patrick M'Carthy	11 " ..	"	27	Cerebral meningitis	Coma	18 " ..	8	No. 376.
448	William Gately	26 Mar. ...	H. A. Dep. ...	33	Pulmonary congestion	Lumbar abscess	18 " ..	54	Removed.
554	Margaret Duff	12 April... 39	Med. Adv. ...	28	Enteric fever	Tympanites and gangrene.	20 " ..	39	"
770	David Russell	24 May ..	H. A. Dep.	30	Cancer of pylorus ...	Gastric intractability	29 " ..	6	No. 377.
793	Cornelius Buckley	30 " ..	Med. Adv. ...	22	Pneumonia	Hæmoptysis.	1 June ..	3	Removed.
709	Jane Waddell	11 " ..	"	19	Enteric fever	Perforation and collapse.	2 " ..	23	"
823	Christopher W. Murray	5 June ..	"	40	Erysipelas of face and scalp.	Asthenia and exhaustion.	6 " ..	10	No. 378.
693	Ellen Willis	8 May ..	"	15	Measles	Abscess of neck and otitis.	6 " ..	30	No. 379.
700	Beatrice Fradd	10 " ..	"	8	Enteric fever	Convulsions ...	13 " ..	35	Removed.
817	Constance Shepherd ..	4 June ..	"	15	"	Peritonitis ..	14 " ..	11	"
762	John Sanderson	21 May ..	"	38	"	Asthenia and cardiac failure.	20 " ..	31	No. 380.
697	Jane Brooks	10 " ..	H. A. Dep.	48	Hepatic congestion	Ascites & debility.	24 " ..	46	No. 381.
864	Eliza Harding	11 June ..	Med. Adv. ...	25	Enteric fever	Asthenia	27 " ..	17	Removed.
886	Walter Wear	17 " ..	"	26	Rheumatic fever ..	Cerebral meningitis.	5 July ..	18	No. 382.
870	Edward M'Glynn	12 " ..	"	30	Enteric fever	Intestinal hæmorrhage.	7 " ..	25	Removed.
669	Margaret Cavill	3 May ..	H. A. Dep.	60	Aortic aneurism ...	"	11 " ..	69	No. 383.
928	John Edwards	26 June ..	"	30	Phthisis	Hæmoptysis ..	11 " ..	15	Removed.
969	Elizabeth M'Manus	5 July ..	Med. Adv. ...	16	Enteric fever	Diphtheritic laryngitis.	11 " ..	6	"
959	John Leonard	4 " ..	H. A. Dep. ...	33	Pneumonia	"	12 " ..	8	"

APPENDIX B—continued.

No.	Name.	Date of Admission.	How admitted	Age.	Disease.	Complications.	Date of Death.	No of days in Hospital	Cemetery No
946	Charles Woollett	1889. 29 June	H.A. Dep.	22	Asthenia after enteric fever.	.. . . .	1889. 15 July	16	Removed.
1041	Alfred Atkins	22 July	"	24	Ulcer of stomach	Epilepsy and Hæmatemesis	2 Aug....	11	"
1037	Isaac Bubb	22 "	"	12	Pulmonary congestion and debility.	Broncho-pneumonia.	3 "	12	"
1034	John Allen	20 "	"	48	Mitral valve disease	Hæmoptysis and debility	19 "	29	"
1129	Mary Ann Beach...	8 Aug	"	56	Epilepsy	Bronchitis and debility.	24 Aug.	16	"
1161	Lizzie Jemima Foster	16 "	Med. Adv.	19	Phthisis		24 "	8	"
1024	Hugh Moore ...	18 July	H.A. Dep.	53	Chronic bronchitis	Asthenia	9 Sept.	53	No. 384
965	Eliza Jane Knight	5 "	"	44	Phthisis		20 "	77	No. 385.
1194	Maria Foster	23 Aug.	"	30	Perniciou anæmia		28 "	36	Removed.
1010	Lue Lazarus	14 July	"	54	Dysentery	Bronchitis and debility.	29 "	77	No. 386.
1329	George Gibbin	23 Sept.	"	28	Acute pneumonia		29 "	6	No. 387.
1334	Henry Borgert.....	23 "	Med. Adv.	28	Chronic abscess of the ear and hectic fever.	Cerebral meningitis.	2 Oct.	9	Removed.
1350	Robert Ramsay	28 "	H.A. Dep.	44	Cirrhosis of kidney	Mitral valve disease.	5 "	7	No. 388.
1392	Charles Ellis	5 Oct.	"	43	Rheumatism	Acute bronchitis..	8 "	3	No. 389.
1391	William Angelo Francis	5 "	Med. Supt.	28	Acute rheumatism	Endocarditis	10 "	5	Removed.
1365	George Puce	1 "	H.A. Dept.	21	Phthisis	Hæmoptysis	17 "	16	No. 390.
1302	Mary Ann Brown .. .	16 Sept.	"	28	Rheumatism	Cerebral effusion and hemiplegia	21 "	36	Removed.
1350	John Charles Tabor ...	30 "	"	39	Cerebral meningitis	Paralysis	21 "	21	No. 391.
1452	William Morrison	16 Oct.	M.A. (Ben. Asyl)	21	Sloughing ulcer of rectum.	Whooping-cough and debility.	21 "	5	No. 392.
1081	John Glavin.	30 July	H.A. Dep.	52	Rheumatism	Bronchitis	23 "	85	No. 393.
830	William Richardson ...	7 June	"	50	Syphilis	Phagedenic ulcer of genitals and asthma	24 "	139	No. 394.
1342	Daniel Hynds	26 Sept.	"	36	Phthisis . . . . .	.. . . .	24 "	28	Removed.
1167	Louisa Kelso	17 Aug. ..	"	30	Rheumatism	Bronchitis and debility.	31 "	75	No. 395.
1354	William Johnson.....	30 Sept. .	"	52	Chronic bronchitis and dysentery.	Ulcerated larynx and tongue	7 Nov....	38	No. 396.
1509	August Stelzner	26 Oct. .	"	64	Mitral stenosis	Bronchitis ...	8 "	13	No. 397.
1364	John Burke	1 "	"	41	Bright's disease ...	Mitral valve disease.	9 "	39	No. 398.
1465	Mary Parker	21 "	"	45	Chronic bronchitis ..	Asthenia	11 "	21	No. 399.
1540	James Cleary	31 "	"	34	Chronic nephritis ..	Anasarca	18 "	18	Removed.
1462	Robert Wilson.....	18 "	"	47	Chronic albuminuria and anasarca.	Erysipelas of leg and pneumonia.	25 "	38	No. 400.
1633	Agnes Adams	21 Nov.	"	24	Phthisis	Hæmoptysis	26 "	5	Removed.
1619	Simon Gowan	19 "	"	65	Mitral stenosis	Pulmonary congestion & anasarca.	1 Dec. .	12	No. 401.
1645	Charles H. Ferguson .	23 "	"	41	Epilepsy and rheumatism.	Cellulitis of neck.	3 "	10	Removed.
1476	Edith Burgott	21 Oct. .	M.A. (Ben. Asyl.)	1	Pertussis	Marasmus and diarrhœa.	4 "	44	No. 402.
1563	Frederick Arnold	5 Nov. .	H.A. Dep.	48	Cardiac hypertrophy..	Dilatation	5 "	30	No. 403.
1596	William Fairbairn	14 " . .	"	51	Cancer of liver . . .	Hepatic congestion	9 "	25	Removed.
1560	Edward J. Cloak . . .	4 " . .	M.A. (Ben. Asyl.)	6w.	Pertussis	Convulsions ..	10 "	36	No. 404.
1579	Daniel Long	9 " . .	"	13w.	Congenital debility and marasmus.	Pertussis ..	13 "	34	No. 405.
1734	Frank Bourney	10 Dec.	H.A. Dep.	27	Dysentery	Asthenia	15 "	5	No. 406.
1742	John Kinleside	12 " . .	"	27	Enteric fever	Perforation and peritonitis.	18 "	6	Removed.
1665	Mary Woodhouse ...	27 Nov....	Med. Adv. . .	26	"	Cardiac failure and collapse	23 "	26	"
1779	Annie Leslie	20 Dec. .	"	31	"	Cardiac failure and acute delirium.	25 "	5	"
1772	John Kingwell	19 " . .	H.A. Dep. . . .	20	Diphtheria .. . . .	.. . . . .	26 "	7	No. 407.

APPENDIX C.

PATIENTS' DIET SCALES :—

Diet No. 1.
 Extra— { Milk (at discretion).
 { Beef tea.
 { Custard.
 { Sago.

Diet No. 2.

Bread, 8 oz.
 Butter, $\frac{1}{2}$ oz.
 Tea, $\frac{1}{4}$ oz.
 Sugar, 3 oz.

And extras.

Diet No. 3.

Bread, 1 lb.
 Butter, 1 oz.
 Broth, 1 pt.
 Potatoes, $\frac{1}{2}$ lb.
 Pudding, $\frac{1}{2}$ lb. twice a week.
 Tea, $\frac{1}{2}$ oz.
 Milk, $\frac{1}{2}$ gill (condensed).
 Sugar, 1 oz.

No extras.

Diet No. 4.

Bread, 1 lb.
 Butter, 1 oz.
 Meat, 1 lb. (uncooked, bone included).
 Potatoes, $\frac{1}{2}$ lb.
 Vegetables, $\frac{1}{2}$ lb.
 Tea, $\frac{1}{2}$ oz.
 Milk, $\frac{1}{2}$ gill (condensed).
 Sugar, 1 oz.
 *Oatmeal, 2 oz.
 Treacle, 1 $\frac{1}{2}$ oz.
 Pudding, $\frac{1}{2}$ lb. twice a week.

No extras.

* Milk for porridge, $\frac{1}{4}$ pint.

MATERIAL to be used for preparing some items of the different diets :—

Diet No. 1.

Beef tea—1 shin to 12 pints of beef tea.
 Beef tea—(extra strong) 1 lb. beef to 1 pt.
 Custard—1 $\frac{1}{2}$ egg, $\frac{1}{2}$ pt. milk, 1 oz. sugar.

Diet No. 2.

Extras—Custard as above.

Beef tea as above.

Sago,) 2 oz. ; milk (condensed), 1 gill ;
 Arrowroot,) sugar, $\frac{1}{2}$ oz.

Eggs—raw, boiled, or poached.

Milk.

Bread and milk—milk, 1 gill.

Rice, boiled, 2 oz. ; milk (condensed), 1 gill.

Chicken—according to size—1 full-sized fowl for 4.

Chicken broth—1 to 8 pts.

Cocoa, 1 oz.

Mince,

Chops, } $\frac{1}{2}$ lb. uncooked meat with bone.

Boiled mutton, }

Rice pudding { 2 oz. rice, 1 egg, 1 gill (condensed),
 milk, $\frac{1}{2}$ oz. sugar.*Diet No. 3.*

Broth { 4 oz. mutton ; vegetables, 2 oz. ; barley, as
 required.

Pudding { Rice, 2 oz. ; bread ; milk (condensed)
 1 gill ; 1 egg ; $\frac{1}{2}$ oz. sugar.

{ When bread pudding, $\frac{1}{4}$ oz. currants extra.

Diet No. 4.

Pudding—similar to No. 3 diet.

1890.

NEW SOUTH WALES.

VACCINATION.

(REPORT FOR 1889.)

Printed in accordance with Resolutions of both Houses of Parliament.

The Medical Adviser to the Government to The Principal Under Secretary.

Sir,

Sydney, 28 February, 1890.

I have the honor to forward herewith the Annual Returns of Vaccinations performed during the year 1889 by the Government Vaccinators in New South Wales.

These returns show that 2,288 vaccinations were performed, of which 2,252 were successful, and of these 642 were done in Sydney and its suburbs and 1,610 in the country districts. The number of births in the Colony during the year was 37,235, so that the proportion of vaccinations to births was 1 to 16, leaving a large residuum to swell the already large number of unvaccinated, and therefore—so far as small-pox is concerned—unprotected children in the Colony,

Of the successful cases during the year 1889, 343 were under 1 year, 829 from 1 to 5 years, 886 from 5 to 10 years, and 194 upwards of 10 years of age. The unsuccessful cases were 36, or 1.57 per cent. of the total number. (See Return No. 2.)

With a view to encourage vaccination as far as possible it was decided, in issuing fresh instructions to vaccinators, which was done during the year, to pay for vaccinations over ten years of age and for successful cases of revaccination; and as some vaccinators have pointed out, apparently with just cause, that a multiplication of public vaccinators in the same district tends rather to increase their difficulties in keeping up a constant supply of fresh lymph (which can only be maintained by a constant succession of fresh cases) without in any way increasing the number of vaccinations, vacancies which have occurred in the office of public vaccinator in districts where there was already one or more such officers, have not been filled.

The large majority of public vaccinators in their reports for the year have pointed out the apathy and the occasional distrust with which vaccination is regarded, and expressed an opinion that nothing but a compulsory Vaccination Act will secure a thorough vaccination of the population of the Colony.

Owing to various causes, among which is the comparatively small number of vaccinations carried out by the Government vaccinators for Sydney, it has been found extremely difficult to keep up a full and satisfactory supply of lymph. The supply obtained monthly from England, owing probably to the death of the gentleman primarily responsible for its collection and despatch, was found ineffective, and advantage was taken of the Hon. Dr. MacLaurin's presence in England to secure a supply from another source. Arrangements were kindly made by him for a supply from a country-district in Scotland which promised at first to remove all difficulties, but which in time completely failed, and Dr. MacLaurin has recently reported the conclusion of arrangements for a supply from another and, it is believed, permanent and satisfactory source, having the guarantee of a physician of eminence that he will satisfy himself of the health of each child from whom lymph is taken.

In the absence of a supply of humanized lymph, calf lymph, obtained from Victoria and New Zealand, has been distributed when requested.

I have, &c.,

F. NORTON MANNING, M.D.

RETURN (No. 1) showing the number of Births during the past twenty-nine years, and the number of Vaccinations performed by Government Vaccinators during the same period.

Year.	Births.	Vaccinations.	Proportion of Vaccinations to every 100 Births registered.
1861	14,681	2,349	16·00
1862	15,434	3,155	20·44
1863	15,679	12,970	82·72
1864	16,881	10,696	63·36
1865	17,283	8,367	48·41
1866	16,950	7,606	44·87
1867	18,317	6,931	37·83
1868	18,485	11,237	60·79
1869	19,243	21,507	111·76
1870	19,648	7,084	36·54
1871	20,143	6,482	32·16
1872	20,250	17,565	86·74
1873	21,444	3,152	14·69
1874	22,178	4,832	21·78
1875	22,528	3,111	13·80
1876	23,298	4,361	18·71
1877	23,851	16,881	70·77
1878	25,328	3,512	13·86
1879	26,933	5,569	20·67
1880	28,162	5,029	17·85
1881	28,993	58,962	203·36
1882	29,702	2,188	7·36
1883	31,281	882	2·81
1884	33,946	7,055	20·78
1885	35,043	2,193	6·25
1886	36,284	1,753	4·80
1887	37,236	3,258	8·74
1888	38,505	2,069	5·37
1889	37,235	2,252	6·05
Total ...	714,941	243,008	33·98

RETURN (No. 2) showing the number of Persons Vaccinated by the Government Vaccinators in the Colony of New South Wales during the year 1889.

Districts.	Under 1 year of age				From 1 to 5 years.				From 5 to 10 years				From 10 years upwards				Total			
	Males	Females.	Total	Successful	Males	Females.	Total.	Successful	Males	Females	Total	Successful	Males	Females	Total	Successful.	Males.	Females.	Total.	Successful
Sydney and Suburbs :— Dr W E Strong Dr W. F Ewington Dr. W. H Tibbits	2 81	5 92	7 173	6 173	9 136	5 60	14 196	12 196	1 115	4 54	5 170	5 170	44	15 3	59 3	59 3	12 377	14 221	26 598	23 598
	83	97	180	179	146	68	214	212	120	69	189	189	44	18	62	62	393	252	645	642
Albury	32	26	58	56	35	44	79	79	10	6	16	16	1	3	4	4	78	79	157	155
Armidale	9	13	22	22	44	37	81	81	42	33	75	75	7	14	21	21	102	97	199	199
Balranald	1	1	2	1	5	2	7	7	8	7	15	15	1	4	5	4	15	14	29	27
Bathurst	4	1	5	5	13	19	32	32	34	45	79	79	4	3	7	7	55	68	123	123
Berrima	5	5	10	10	13	20	33	33	12	12	24	24	2	2	4	4	32	39	71	71
Broken Hill	12	12	24	24	10	9	19	19									22	23	45	45
Broughton Creek									3	2	5	5					3	2	5	5
Campbelltown	3	2	5	5	9	15	24	24	11	12	23	23	1	2	3	3	24	31	55	55
Coraki	4	2	6	6	30	21	51	50	29	33	62	62	1	1	1	1	63	57	120	119
Emmaville	7	4	11	11	22	28	50	50	22	27	49	48	1	3	4	4	52	62	114	113
Germanton	5	3	8	5	6	16	22	20	9	8	17	14					20	27	47	39
Goulburn					2	3	5	5	8	3	11	11					10	6	16	16
Grafton		2	2	2	35	32	67	67	47	47	94	94	16	20	36	36	98	101	199	199
Gundagai					17	18	35	35	14	14	28	28	4	2	6	6	35	34	69	69
Kempsey					2	3	5	5	23	29	52	52	7	11	18	18	32	43	75	75
Maitland	3		3	3	3	7	10	10	2	2	4	4					8	9	17	17
Molong	2	1	3	2	3	5	8	8	2	6	8	8	1	2	3	2	8	14	22	17
Merriwa					6	2	8	8	8	9	17	15		5	5	5	14	16	30	28
Nymagee	1	2	3	2	12	16	28	24	14	14	28	26	7	5	12	12	34	37	71	64
Parkes	3	7	10	10	29	28	57	57	48	42	90	89					80	77	157	156
Queanbeyan					1	2	3	3	11	3	14	12	4	1	5	3	16	6	22	18
	91	81	172	164	297	327	624	617	307	354	711	697	56	80	136	132	801	842	1,643	1,610
Summary— Sydney and Suburbs Country Districts	83 91	97 81	180 172	179 164	146 297	68 327	214 624	212 617	120 357	69 354	189 711	189 697	44 56	18 80	62 136	62 132	393 801	252 842	645 1,643	642 1,610
Total	174	178	352	343	443	395	838	829	477	423	900	886	100	98	198	194	1,194	1,094	2,288	2,252

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BOROUGH OF REDFERN.

(REPORT OF THE BOARD OF HEALTH ON THE DEPOSIT OF GARBAGE IN—ON SITE FOR BUILDING PURPOSES.)

Ordered by the Legislative Assembly to be printed, 15 October, 1890.

The Secretary, Board of Health, to The Principal Under Secretary.

Sir,

Board of Health Office, 127, Macquarie-street, Sydney, 11 September, 1890.

I have the honor to inform you that the enclosed letter from the Borough Council of Redfern, requesting a sanitary examination of and report on a portion of their district, together with a report by the Chief Medical Inspector on the locality, and a memorandum by the President thereon, were considered at a meeting of the Board of Health yesterday, when the President's memorandum was adopted, and it was directed that all the papers in the case should be forwarded for the Colonial Secretary's information, with a suggestion that the matter is of such importance that it should be made public.

I have, &c.,

EDMUND SAGER,
Secretary.

[Enclosure.]

Memo. by The President, Board of Health.

Board of Health Office, 127 Macquarie-street, Sydney, 8 September, 1890.

THE Borough of Redfern having drawn the attention of the Board of Health to the state of a portion of the land on the Cooper Estate, in the Surry Hills Ward of that Borough, on which a number of houses have been and are being erected, and asked for a report as to the sanitary state of this area, the Chief Inspector has, by direction of the Board, furnished a report thereon, a copy of which, with plans and photographs, is forwarded herewith.

The Board has, in the absence of special legislation on this subject, no power to prevent or remedy the evils pointed out in this report, and can only submit the matter for the consideration of the Colonial Secretary.

The evils to which the report so forcibly directs attention, are, in the opinion of the Board, very real and very serious ones; and this is unfortunately by no means an isolated instance. Attention was called, in a report by the Chief Medical Inspector and Mr. George Stayton, C.E., then of the Sewerage Branch of the Public Works, made early in 1889 (at the instance of the Minister for Public Works), on an outbreak of fever in the Municipalities of Newtown and Macdonaldtown, to the danger of building on areas either naturally unhealthy by reason of site and defective drainage, or made unhealthy by the deposit of garbage. The evil influences on health of similar areas was also pointed out in the Chief Medical Inspector's report on an outbreak of typhoid fever at Waverley and Randwick in the beginning of the present year. Areas of the kind indicated either already exist or are being deliberately manufactured in several of the suburbs of Sydney.

The health of every community is largely dependent upon the soil upon which its houses are built, and it appears to be the height of unwisdom, whilst spending money freely in costly and elaborate schemes of water supply and sewerage, to allow the building of houses which must, from their very situation, be unwholesome residences, and which no water supply, however pure, or sewerage however perfect, can render fit for human habitation in a sanitary point of view.

Under a proper system for the notification and registration of infectious disease, the insanitary condition of these areas would be at once demonstrated, and this would perhaps do much to prevent persons settling in houses on these areas; but this is not sufficient. The erection of dwelling-houses on land which is too swampy or too low to be properly drained, or on sites made up of garbage, street-sweepings, and other similar materials, should be forbidden by law. Sydney and its suburbs cannot expect to be reckoned among healthy districts, or to show other than a high rate of mortality, until such plague spots as those described in the accompanying report become impossible.

F. NORTON MANNING,
President.

The Council Clerk, Redfern, to The Secretary of the Board of Health.

Sir,

Town Hall, Redfern, 8 August, 1890.

I have the honour, by direction of the Council, to draw attention to the state of a portion of the land on the Cooper Estate, in the Surry Hills Ward of this Borough, in the vicinity of which a number of houses have been and are being erected, and am directed to ask that a report as to the sanitary state of same may be submitted to this Council.

I have, &c.,

R. W. GRIERSON,
Council Clerk.

The Chief Medical Inspector to The President of the Board of Health.

6 September, 1890.

THE matter to which the Council of the Borough of Redfern draw the Board's attention in the letter attached hereto is the deposit of garbage and street sweepings upon an area within the Borough, "in the vicinity of which a number of houses have been and are being erected." I visited the Council Chambers on 19th August, and, after hearing a statement by the Council Clerk (Mr. R. W. Grierson), I repaired to the place complained of, in company with the Inspector of Nuisances (Mr. Holland).

2. The area constitutes the western half of a paddock, whose boundaries are shown in the appended plan; but Marriott-street, which is the eastern boundary, is not as yet completely laid out. I have been informed that it was originally a market garden. It was then occupied as a dairy-cow paddock for several years; but the registration of it was cancelled by the Council (who are the local authority for Redfern under the Dairies Supervision Act), because they considered that the swampy character of its lower or southern half rendered it unfit for that purpose. The Cleveland-street frontage was built upon towards the end of 1888; and the rest of the area was subdivided and let on long building leases immediately afterwards.

3. Instead of giving a verbal description, which, after all, could not convey a vivid idea of the details of this case, I present herewith a plan* and six photographs†, all of which have explanatory notes upon them; but as no sections are included, it is necessary to mention that the natural surface of the area lies about 12 feet below the level of Cleveland-street on the north, and that between that boundary and Cooper-street on the south it has a fall of a few feet. About Cooper-street it becomes nearly level, and so continues until a slight rise is met with to the south of Boronea-street. To this level part surface-water from the whole paddock (both eastern and western halves) gravitates, and it used to form a large pond there. Young and Marriott Streets both stand several feet above the natural surface at the northern boundary, their height diminishing as Boronea-street is approached. However, this elevation can be seen in Marriott-street only at its northern end for the present. The soil of the area is a black earth at the upper part; towards the south it becomes mixed with beds of sand, and south of Boronea-street deep beds of blown sand are met with which overly the rock. One of the heads of Shea's Creek used to run as an open drain down Young-street. This was converted into a pipe-drain by the Sewerage Department a year or two ago, and was conducted easterly along Boronea-street. Upon application to the Board of Water Supply and Sewerage, the Redfern Borough Council was permitted to open up a connection with this drain at the intersection of Marriott and Boronea Streets by shallow trench (*see plan*); and thus the greater part of the water which used to maintain the pond has been drained off; but the sub-soil remains undrained.

4. It will be seen from the foregoing details that the lower part of the area, from about Cooper-street to beyond the south side of Boronea-street, forms the bottom of a very shallow valley, and must have a wet subsoil. In order to demonstrate this important point, I include the photograph No. 6, which shows the eastern part of the terrace on the south side of Boronea-street, numbered 89 (not shown) to 71, the latter being at the corner of Marriott-street. In the yard, and against the eastern wall of this house, the builder has put in a shallow bricked well; and with aid of this permanent arrangement a man was (at the time of photographing) pumping out water which gravitated from under the whole row to the well. A brick knocked out of the back foundation-wall allowed the water which had risen within the foundation-walls and under the flooring boards to reach the well easily. After three weeks of fine weather, and after two or three days pumping, this shallow well still held about six inches of water, and showed that the ground-water was not far below the yard-level, and still stood much above the footings of the walls. I have been informed that these good-looking houses were built by, and are the property of, Alderman Butterfield (Redfern). Here I may also conveniently mention that a pool of water and thick mud, after the same term of fine weather, still stood against the shallow plateau of sand on which the four houses at the south of Marriott-street are built (*photographs Nos. 2 and 4*) on its northern side. Farther, although the trench running north from Boronea-street along Marriott-street (*see plan*), by means of which the communication with the Boronea-street drain mentioned above is effected, is but a few inches deep, a slender stream of water was still constantly flowing down it during and at the end of that period of fine weather. (The plan and photographs in the Appendix should now be examined.)

5. Garbage (or house-refuse) consists of ashes, bones, dead animals, disused bedding, decayed fruit and fragments of vegetable matter, broken meat, pieces of textile fabrics that have served their turn (or rather, have almost served it; for these are picked out and sold to the flock-makers, who tear them up without any previous purification, to sell to upholsterers, who use it to stuff, or partly stuff, all classes of furniture), leather, paper, straw, shop sweepings, tin cans, and all the other odds and ends which result from the wear and tear of civilised life. When these matters are collected in heaps, they form a mass of loose texture; air permeates it freely, and in the course of the putrefaction which ensues a great heat is evolved. While this process is going on—and it lasts until the last shred of putrescible matter has been resolved—an especially offensive odour is given off. Dangerous and inflammable gases are produced in large quantities. These have been found to issue from old garbage deposits in Sydney, and have been revealed by their accidental ignition. Thus, this phenomenon was seen about eighteen months ago during many days or weeks at Wentworth Park (which was for long the Tophet of the City); the gases were conducted to the surface in volume by crevices in the adjoining sandstone cliff, and become ignited. So, also, in Redfern Park, of which the southern end is made up with garbage to a depth of many feet, it was possible a short time ago to get a jet of flame by puncturing the surface and applying

* Appendix A. † Appendix B.

a match to the gases which escaped—an experiment which amused the children in that neighbourhood for several weeks. In this concentrated form these gases are deadly. In a more dilute form—that, namely, in which they escape into houses which are built upon or abutting upon garbage—they steadily deteriorate the health of the inhabitants who respire them, and are seen to be fatal at last, although the true cause of death is generally masked by special symptoms (such as fever, inflammation of the lungs, diarrhœa, convulsions), which are secondary to it. Water which has trickled through heaps of garbage issues from them possessed of all the characters of sewage. Street sweepings consist primarily of road-detritus; but when derived from town-roads, they contain from 30 to 40 per cent. of horse-dung. Putrefying animal excreta do not greatly differ in their effects upon health from putrefying human excreta.

6. I imagine that it must be obvious that houses which are built actually upon masses of such abominably filthy material as I have just described, will be unhealthy; but it is perhaps necessary to point out that houses are likely to be unhealthy, although there may be no garbage actually beneath them, if one or other of their outside walls abut upon garbage, which has been employed either to make up the yards behind them, or to form a so-called foundation for roads and side-walks in front. The reason is that the putrid and deadly gases referred to pass very easily through bricks and mortar—through the bricks themselves and through the mortar itself—and especially through such walls as are put in by the jerry-builder. They are drawn from the adjacent foul soil by the greater heat of the houses; and this force is aided by pressure of the gases themselves, which, after a time, are confined by consolidation of the surface above them, or by paving-stones upon it, so that they cannot easily escape in a perpendicular direction to the outer air.

7. With regard to the origin and use of this garbage, I beg leave first of all to quote from a former report a sentence with which I concluded a section which dealt at length with this particular cause of unhealthiness to localities:—

“The conclusion of this matter may be stated in few words, if it be wished to single out the persons who are responsible. Municipal Councils are the only bodies who become possessed of large quantities of garbage. Landlords who acquire irregular sites, which are useless until they are levelled or made up, are the only persons who can put it to profitable use—profitable to themselves; that is, provided they do not occupy the houses they build on it, otherwise fatal to them, as they must observe it to be to their unsuspecting tenants. In committing this crime, therefore, two parties are concerned, both of whom must be considered in attempting to prevent its continued perpetration.” (*Report upon an outbreak of typhoid fever at Newtown and Macdonaldtown.* Ordered by the Legislative Assembly to be printed, 6th March, 1889).

A small part of the garbage has in this case been contributed by the complainant borough, most of their share being that which is cast to form a “foundation” for Cooper-street; but I have reason to believe that some small part of that which has been shot to make up building lots has been also contributed by them, although (as I am informed) contrary to orders. Some other small part has in all probability been shot by contractors to other adjacent municipalities, although I do not know that this is so; but the greater part by far of the refuse recently cast, nearly all that with which the allotments owned by Messrs. Fogarty and Rollings are made up, has been contributed by the city of Sydney. On August 19 I saw the Sydney Municipal Corporation cart No. 72 drive on to the ground with its load of refuse, and I heard the Inspector of Nuisances for Redfern forbid the carter to shoot it there. The carter then withdrew; but on August 20 this same cart, No. 72, drove up again, and tipped its load at the southern end of Mr. Rollings’ terrace in Marriott-street. On the latter occasion I also noted the S.M.C. carts Nos. 46, 47, 59; but many others came too. Secondly, as to the application of the refuse to these private properties, the manner in which it is shot, piled up, levelled, and subsequently utilised, shows plainly that it is deposited not only with the consent, but in accordance with the directions of the leaseholders.

8. The Borough Council, through the Council Clerk, say that they are unable to stop the deposit of this refuse, and, as it appeared, this alleged inability was the ground of their complaint to the Board. They have the following By-law:—

128. No kind of rubbish or offensive matter shall be cast upon any public or private property within the Borough without permission first obtained from the Municipal Council, and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding £2, nor less than 10s.

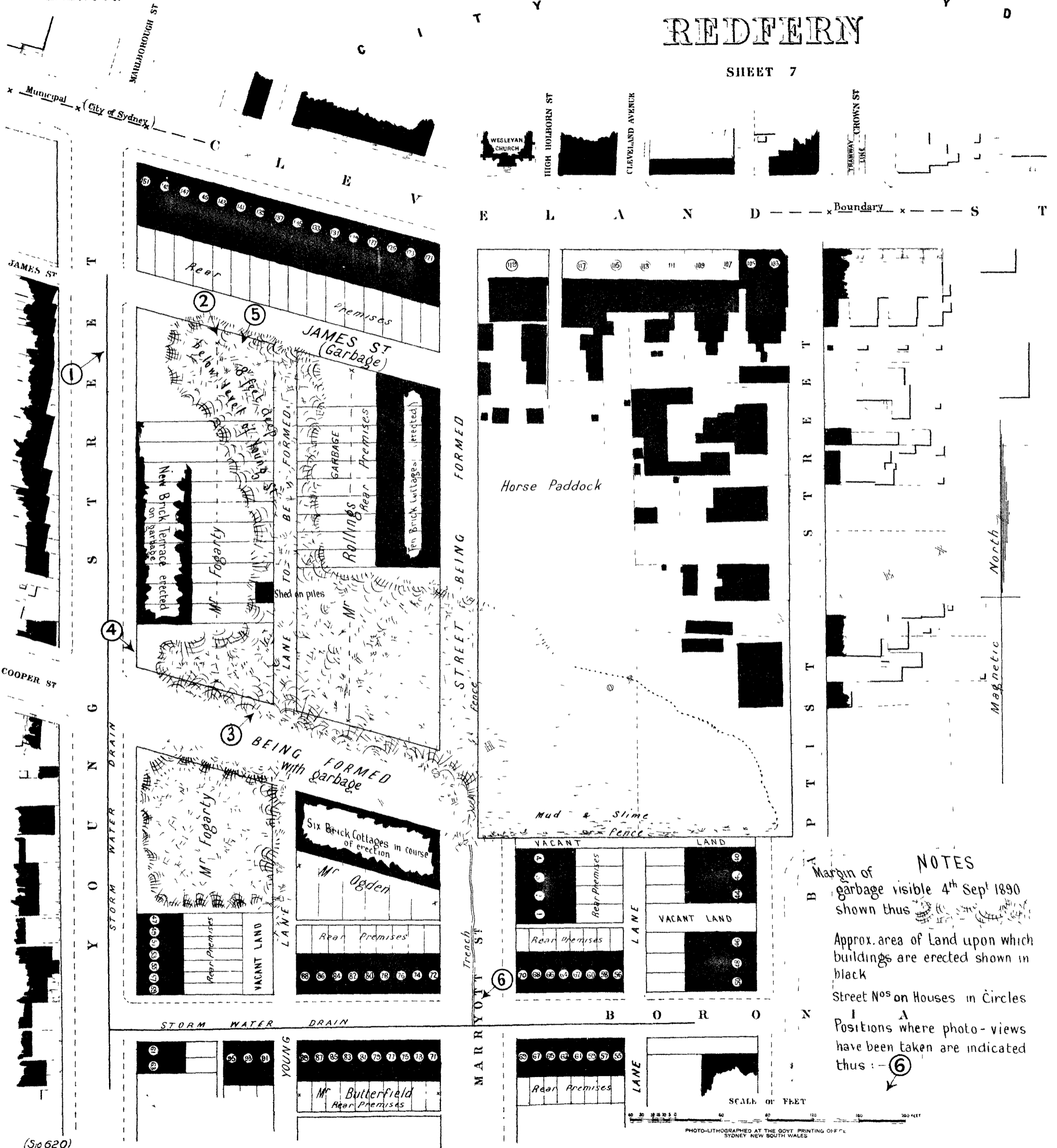
This By-law, they say, is inoperative, for the following reasons:—When scavenging is let out to a contractor it cannot be proved that he directed his men to shoot the offensive rubbish on private property, and therefore it is necessary to summon the carter who actually makes the deposit. This has been done; but it is found that although the summons may have been served the defendant does not appear, and when search for him is made it happens that he has left the employment in which he committed the offence, and cannot be traced. Secondly, as to that provision of the By-law which touches the owner of the property on which the deposit has been made, it is said that the latter’s defence would be that the deposit was made without his consent and behind his back, and that if anybody be at fault it is the Inspector of Nuisances, who is especially appointed to prevent such offences. This, as I understood it, is the difficulty in which the Borough Council find themselves. But I believe the following facts put another complexion on the matter. The City Corporation do not put this work out to contract, but do it themselves by their own servants; and therefore, if remonstrance with the Corporation officer actually responsible for this branch of the Corporation work should prove unavailing, as I am informed it has in this case, the Borough Council might then take action against them. Next, the owners of property might probably be convicted under the By-law if they were prosecuted (as they have not been), since the use to which they have put the refuse would doubtless be considered sufficient evidence of consent. Yet they could at most be fined but £2 for want of a continuing penalty; and that, in the business of house-building, would be a matter of no consequence to them. But they might otherwise be proceeded against, I suppose, under the 132nd section of the Municipalities Act, of which the concluding sentence seems to cover such a case as the present. It gives the Council power to cause the owner or occupier to “remove or abate” the nuisance. But it will be noticed that in the present case, while one Council has not chosen to attempt to put the section in force, another (or more than one) is the delinquent in committing an offence which it, and it alone, is appointed to prevent within its own boundaries. Subject to correction by a legal authority, it appears to me that the Borough Council have not done all in this matter that they might have done; but also that the law is not, in its present form, effectual to protect the public health when it is threatened in the manner here described.

10. With especial reference to the City Corporation, it must now be pointed out that they have always been ready to tip garbage on request, wherever a greedy landholder or other misguided person may wish; and their complacency continues to this date, as is shown by the present instance, by an immense accumulation made against the eastern wall of the Victoria Barracks (where all the space between that wall and Park Road has quite recently been converted into a plateau with garbage, which stands from 3 to 5 feet deep), and by that other, and monstrous accumulation with which a very large hollow was filled during 1889 at the Moore Park entrance to the Centennial Park. This principal corporation may almost be named the chief offender against the public health in this respect—by example, at least, they are so; and it will be observed that the poorer classes are the sufferers, while the richer reap the profit, whether they be incorporated bodies or landowners. In my reports to the Board I have always recommended burning as the only practicable method with this refuse—safe, that is to say, and economical. This improvement may, in course of time, be expected, and the City Council will be relieved of a difficulty, and of expense, when they adopt it; but the deadly use of garbage for building purposes, and its noxious use in festering masses for purposes of landscape-gardening, have not, even in the past, been the only alternatives to its cremation. If, therefore, the existing law and the existing methods were both amended, yet is there no public security that the law would be executed with due regard for the public health if its administration were left (as at present) in the uncontrolled hands of municipal bodies.

11. To sum up, it appears that the law does not at present provide any effectual means of preventing the grave evil which is exemplified—and only exemplified—by this case; but the law does compel connection of all the houses upon the area with the public water service, and (when in three or four months at the most the sewerage reticulation of Redfern shall have passed its boundaries) with the southern sewerage system. More, even, than this: The law provides that the house connections of both kinds shall be made by qualified tradesmen, working faithfully under immediate supervision of the competent Inspectors to the Board of Water Supply and Sewerage, and according to the stringent, but necessary, By-laws adopted by that Board. Yet, were vital statistics collected in ways at all calculated to serve purposes of practical sanitation, they might, in the future, be so compiled as to reveal the character of this area in relation to human life; and then the abstracts would certainly distinguish it from other areas by excessive rates of mortality under one year of age, and by excessive rates of illness from the zymotic diseases. The case, therefore, stands thus: All the care and cost expended to secure a pure water supply and safe sewerage are here to be nullified by an illegal, but practically unavoidable, collusion between Municipal Councils and house-builders.

J. ASHBURTON THOMPSON, M.D., D.P.H.

[One map and six heliotype plates.]



NOTES

A Margin of
 B garbage visible 4th Sep^r 1890
 shown thus

Approx. area of Land upon which
 buildings are erected shown in
 black

Street Nos on Houses in Circles
 A
 Positions where photo-views
 have been taken are indicated
 thus: -

SCALE OF FEET

0 20 40 60 80 100 120 140 160 180 200 FEET

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE STONEY, NEW SOUTH WALES



Cleveland-street.—Houses have hollow foundations. Yards are said to be made up with clean earth, but they are continuous with the garbage of James-street.

Continuation of James-street (8 feet of garbage and street-sweepings).

Young-street.—(This frontage is part of Mr. Fogarty's venture and is made up with garbage, as in Photo. No. 5).

Sewer ventilator against house in Cleveland-street.

Back of the first house of Mr. Rollings' terrace in Marriott-street (see Photo. No. 3).

Young-street.

W

Nº I.

Four houses at south end of
Marriott-street; built on 2 feet
sand, on natural surface.

E

S

Rollings' terrace of ten cottages
in Marriott-street. (See photo.
No. 3.)

Boronea-street.

Mr. Rollings' garbage plateau
fronting Marriott-street.

Young-lane, east boundary.

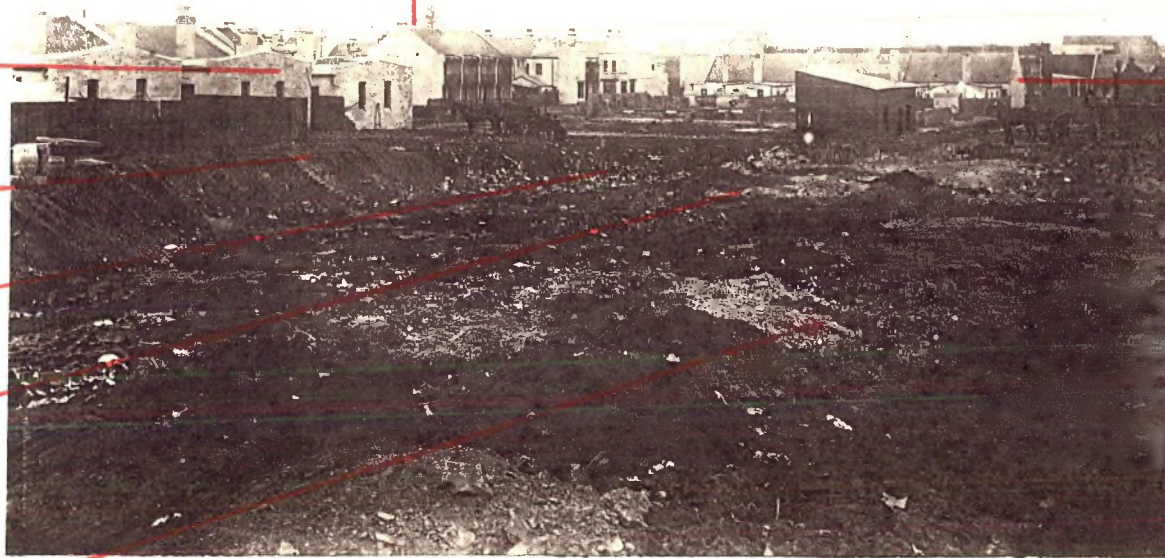
N

Young-lane, west boundary.

Mr. Fogarty's garbage plateau
fronting Young-street. (See photos.
Nos. 1 and 5.)

Nº 2.

W



N

E

Cleveland-street.

About 8 feet of garbage.

Young Lane (natural surface).



Rollings' terrace of ten, north end of Marriott-street. Houses have hollow foundations, but the long extensions at the back stand on garbage, of which the yards are made.

A Sydney Municipal Corporation cart preparing to go home after tipping the last load of garbage for the day. Mr. R. proposes to continue his terrace on this foundation towards Cooper-street.

About 4 feet of garbage at this end of the terrace.

W

S

Cooper-street (garbage).

Nº 3

These four houses stand on 2 feet sand, on natural surface.

Mr. Ogden's houses, going up; they stand on 3 feet sand, on natural surface.

Water and mud still stood against this fence after three weeks of fine weather.

The corner house, No. 71, on south side of Boronea-street about here. (See photo. No. 6.)

North side of Boronea-street.

Marriott-street.

Lane.

Line of Young-lane.

Remainder of Mr. Fogarty's land with frontage to Young-street. Before inquiry a few loads of garbage had been cast, but during inquiry clean earth began to be shot.

Continuation of Cooper-street: 5 feet of garbage at this end, diminishing to 2 feet at the other.

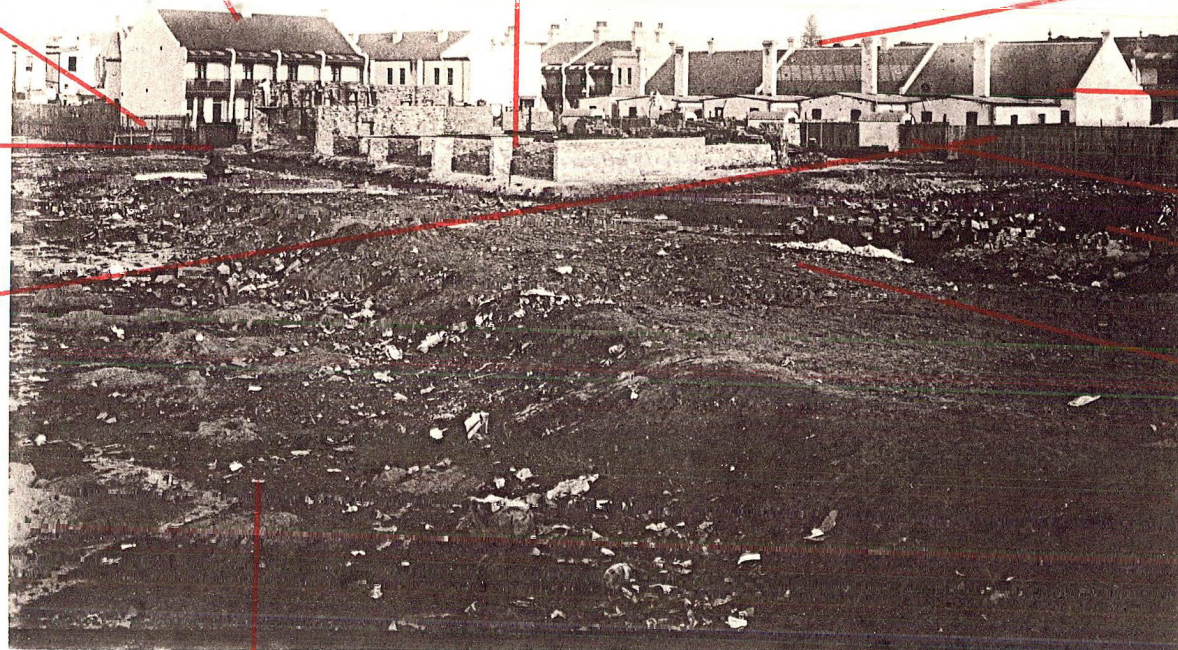
N

S

W

N° 4.

Part of Mr. Fogarty's land with frontage to Young-street; natural surface at present.

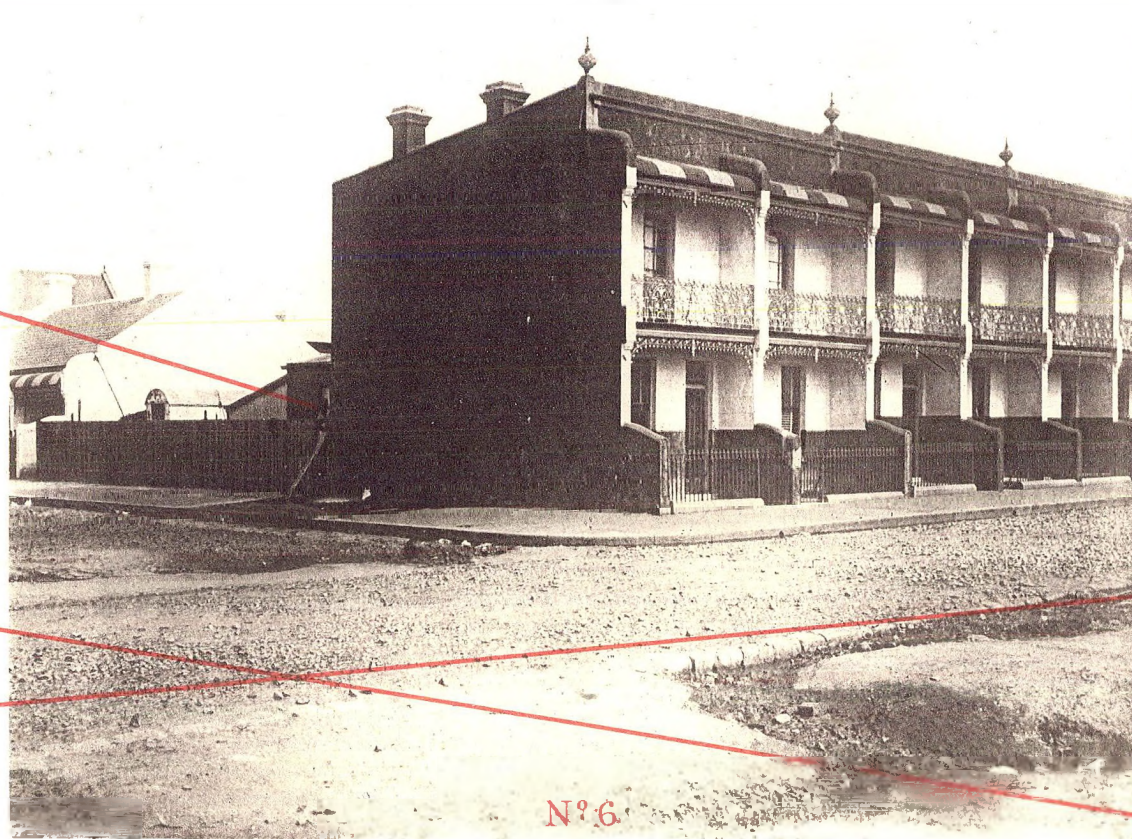




Nº 5

Showing Mr. Fogarty's venture in progress. The plateau extends between Young-street in front and Young-lane behind. It consists of garbage with a top dressing of street-sweepings, which is finished off with a thin layer of sand. It is said that there is 2 feet sand on the natural surface, then there is 5 feet of garbage, and about a foot of sand on top. In this case the houses stand on the plateau, as the *foundations do not go down to the natural surface.*

A man here is raising water from under the terrace by a pump which dips into a shallow bricked well sunk in the yard for the purpose. Rent, 13s. 6d. per week.



Marriott-street, S.

Boronea-street, E.

Boronea-street, W.

Marriott-street, N.

Nº 6.

Nos. 71 to 89 (not shown) south side of Boronea-street (Mr. Butterfield's terrace).

1890.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TYPHOID FEVER.

(REPORT BY BOARD OF HEALTH ON OUTBREAK OF, AT WAVERLEY AND RANDWICK.)

Ordered by the Legislative Assembly to be printed, 20 August, 1890.

Sir,

Board of Health Office, 6 August, 1890.

In forwarding a report by the Chief Medical Inspector on an outbreak of typhoid fever at Waverley and Randwick, the Board of Health fully concurs in the conclusion arrived at by Dr. Ashburton Thompson, that this outbreak was due to polluted milk distributed by a dairyman named John Farrelly, Frenchman's Road, Randwick, and that the probable cause of pollution was a foul well on this dairyman's premises. These conclusions are indeed inevitable from the facts adduced.

Besides numerous individual cases of typhoid fever, and several minor outbreaks of this disease, which have become known to the Board as directly traceable and due to polluted milk, there have been, during the last five years, four considerable outbreaks due to this cause. Each of these outbreaks involved much individual suffering and loss; each inflicted on the public a heavy charge, since a considerable proportion of the cases required hospital care and treatment; and each resulted in a serious and lamentable loss of life.

The outbreak in the municipal district of Leichhardt in 1886 occurred prior to the passing of the Dairies Supervision Act, and was the immediate cause of legislation in this direction; but the other three outbreaks—one in the municipal district of St. Leonards in 1887, another in the same district in 1889 (the details of which have not been made public), and the late outbreak in Waverley and Randwick—were all due to a want of care and stringency on the part of the local authorities, the Municipal Councils of the districts, in carrying out the provisions of this Act. The Dairies Act came into force in Randwick on January 1st, 1887. Since August 10th of that year, when the first inspection by the officers of the Board was made, and when John Farrelly's premises were described as in a "disgustingly filthy state," and a recommendation was made to "fill up the well," the Board have repeatedly urged on the Council a more careful and stringent application of the Act, and specially with regard to John Farrelly's dairy.

Without going into details, it may be at once stated that had the Municipal Council of Randwick properly carried out the provisions of the Dairies Act, and paid ordinary heed to the advice and admonition of the Board, the catastrophe which resulted in so much suffering and loss of life would not have occurred.

The Board desires to point out the difficulties met with in conducting this inquiry, owing—

1st—To the absence of an Act for the compulsory notification of disease;

2nd—To defects in the Dairies Supervision Act; and

3rd—To the absence in the districts involved of any proper and conspicuous naming of the streets, and of any consecutive numbering, or indeed of any numbering whatever, of the majority of the houses.

Had

Had the Bill for the compulsory notification of disease which has been drafted by the Board and submitted to the Colonial Secretary passed into law, the Board would not only have received early intimation of this outbreak, and of its particular incidence, but would have been able to take prompt measures to inquire into its cause, and probably to have stayed the plague in its early stages.

Under existing circumstances the Board is left to glean information from reports as to the number of typhoid cases admitted to hospitals, only a minor part of the total; from reports from municipal bodies, when their attention is specially called to the subject by the number of cases being startling or unusual; and from reports voluntarily made by physicians practising in the neighbourhood. In the present instance the municipal authorities of Waverley and a physician practising in the neighbourhood called the attention of the Board to the subject, and one of the first actions taken by the Board was to obtain from medical practitioners, resident in and practising in the neighbourhood, lists and reports of all the cases of typhoid fever they were attending, together with some particulars as to the milk supply. As these reports seemed to point to John Farrelly's dairy, the local authorities were requested to obtain a list of Farrelly's customers, in accordance with the provisions of the Act, and to forward them for the information of the Board. When forwarded these lists did not afford all the information necessary; and it would appear to be a defect in the Act that the Board is not authorized to demand these lists, but must obtain them through the local authorities, and that no provision is made, either by the Act or regulations under it, for keeping these lists in definite forms, so as to show both past and present customers. With all the information thus procurable, the Board found itself without the means either of obtaining the whole number of typhoid fever cases, or of arriving at any full and definite conclusion as to the cause, and was compelled to direct a house-to-house visitation for the purpose of completing the inquiry. This visitation, undertaken at the cost of the Board, by persons accustomed to similar inquiries, and having a knowledge of the particular neighbourhood, took a considerable time, as inquiries had to be made at no fewer than 2,553 dwelling-houses, and this inquiry had to be followed by special visitations on the part of the Chief Medical Inspector to all houses at which typhoid fever in the present or the immediate past was reported. Here, as well as in the preliminary stages of the inquiry, difficulties were met with in exactly fixing the houses and streets in which the cases had occurred, by reason of the want of care on the part of the Councils in performing the plain municipal duty of properly naming the streets and numbering the houses therein. Dr. Ashburton Thompson reports in this particular, a "state of confusion, which may well be called chaotic, everywhere outside the city of Sydney," Waverley and Randwick being in no better position in this respect than other suburbs.

In connection with this inquiry, and as tending in a measure to complicate it in its early stages, the attention of the Board was directed to the fact that the municipal authorities of Waverley had, in a manner unfortunately not without precedent in other municipal districts, allowed large deposits of night-soil to be buried in Waverley Park, thus converting a spot intended for public recreation into a nuisance dangerous to the public health, and also that there existed within the district, and in its immediate neighbourhood, several other insanitary areas in which zymotic disease was said usually to prevail.

Dr. Quaife, early in February, drew the attention of the Board to cases of typhoid fever in houses in Bennett-street, Bondi Road, within the borough of Waverley, and on inquiry being made the Chief Medical Inspector made a report to the following effect:—"The eastern boundary of the park was raised some 7 or 8 feet above a narrow street, containing three detached houses, and called Park Parade, which ran parallel with it; and 40 or 50 yards farther to the east was Bennett-street, running parallel with Park Parade. Inside the park fence, on the top of the bank, the outlines of many filled trenches in which night-soil had been buried at dates more than nine months earlier were visible. The soil was pure sand with clay-bands running through it, and in Park Parade offensive soakage was seen issuing from the bank, and standing on the surface. It immediately became hidden again in the loose sand, to the surface of which it had been conducted by a clay-band; and its course thereafter, judged by the contour of the surface, was east and by north, into a natural depression which ran to the sea-beach, some three-fourths of a mile distant. The experience of the neighbouring residents as

to

to preventable illness had been as follows :—Of the three households residing in Park Parade one case of typhoid fever had occurred at the end of 1888, and three cases of scarlet fever in January, 1889, in the household “B,” and one case of typhoid in January, 1890, in the household “M.” Of eight households residing in Bennett-street three cases of typhoid fever had occurred in the household “L” in December and January, 1889–90; in the household “C” one case of typhoid in January, 1889; in the household “D” one case of typhoid in November, 1889; and in the household “T” diphtheria in 1886, one case of typhoid in January, 1889, and four cases of typhoid in December to February, 1889–90. Thus six out of eleven houses (at the least, or without inquiry after tenants removed) on the east side of Park Parade and the west side of Bennett-street were ascertained to have been invaded by diseases of the preventable sort from time to time during three years past. The reason was not far to seek. The site had many natural advantages; it was on a long slope, which consisted of sand chiefly, falling towards the sea; next above it was the large area of vacant land furnished by the park and reaching nearly to the top of the slope; the houses were set at fair distances from each other, and were open to the sun on all sides, and to every wind; the buildings themselves were of good class (as judged by rents alone), and the whole neighbourhood was but thinly built over. In these circumstances houses should be free from invasion by zymotic diseases if by judicious choice of site anything can be done to keep them out; and comparatively free they would have been without doubt had the Municipal Council not spoilt the neighbourhood by converting into a depôt for night-soil a public park which had been dedicated by the Government to the benefit and enjoyment of the ratepayers. By this deposit the air was befouled, and not for residents alone, but also for persons coming from a distance; and, although soakage from it appeared temporarily at the surface, the whole eventually sank to the stream of ground-water flowing below the earth, and befouled what was originally pure and harmless enough.”

The other insanitary areas are described by Dr. Ashburton Thompson as follows:—“One such area is that part of Woollahra which lies to the north of the Old South Head Road, and is bounded on the north by Australia-street. This includes the Grafton Estate, a considerable part of which was used as a garbage-tip, and which was first examined in 1886, when complaint was made to the Board by the then small number of neighbouring inhabitants. At that time I found the land in course of being made up with garbage, and it now carries a large number of dwelling-houses, no power to restrain Councils from this abominable and fatal practice yet existing. This area, and that north of Edgecliffe Road, through which Australia-street runs, are both undrained, so that during the late wet weather large tracts about and including Australia-street were swampy, and not to be traversed without precaution. Another such insanitary area lies to the north of Orange-street, Randwick, and includes Orange, Market, and one or two other streets. I was credibly informed that fever is never absent from this area. The land is not only undrained, and in part a swamp, but it has been used, I believe, for market-gardens, and in relation to house-building may be regarded as little better than a night-soil tip. Many of the houses built upon these and upon some other such areas are full of structural defects; and from combination of bad buildings with bad sites disease has arisen of kinds in the strictest sense preventable.”

If the course taken by the municipal authorities in allowing the defiling of the public park and the practice of building over insanitary areas were not directly the cause of some of the cases of typhoid fever in the district, they, without doubt, tended to deteriorate the general health of the inhabitants, to lower their vital energies and power of resistance to disease, and so to render them more susceptible to and less able to throw off the germs of typhoid fever when introduced in other ways.

There is clearly a necessity for some supervision over the action of municipal authorities in so far as their operations affect the public health, and, as the Board has already and repeatedly pointed out, for stringent legislation to prevent the erection of dwellings on insanitary areas such as have been described.

In conclusion, the Board would direct special attention to the necessity for a more careful inquiry on the part of local authorities under the Dairies Act, as to the purity of the water supply on dairy premises, and for more decided action in closing underground sources of supply, which are liable to pollution, especially when

when a supply can be obtained from the public mains. There is abundant evidence before the Board that in cases in which a public supply is available, and is indeed laid on to the premises, water from underground tanks and wells, although avowedly used for washing carts and cow-bails only, is also still used for washing dairy utensils, if not for direct admixture with the milk. The danger of this is not sufficiently appreciated, despite frequent admonitions on the part of the Board; and it will be well if the disastrous results which have ensued in Waverley and Randwick act as a warning, and rouse municipal authorities to a keener appreciation of this danger, and of their duties in this particular.

I have the honor to be,

Sir,

Your obedient servant,

F. NORTON MANNING,

President.

The Colonial Secretary.

[Enclosure.]

REPORT to the Board of Health upon an outbreak of Typhoid Fever, due to polluted milk (Waverley and Randwick).*

By J. ASHBURTON THOMPSON, M.D., D.P.H., Chief Medical Inspector of the Board.

REPORT.

On February 13 the local authority under the Dairies' Supervision Act for the Borough of Waverley suggested that certain cases of typhoid fever were due, not to unhealthiness of locality, but to consumption of milk supplied by John Farrelly; this trader being a cow-keeper residing in Randwick, and registered under the Act mentioned by the local authority for the Borough of Randwick. Thereupon the Board advised the local authority for Waverley that if the evidence seemed to them to necessitate inquiry they could, under the 8th section of the Act enter Randwick, and demand of the trader named a list of his customers to aid them in investigating the matter. At the same time an officer of the Board was sent to inspect John Farrelly's premises; he found on them, still in use, a well which the local authority for Randwick had been urged to close nearly three years before. The water on being analysed proved unfit for use. The Board therefore desired the local authority for Randwick to close this well.

On March 21 the local authority for Waverley reported that inquiry had been made by them, and they forwarded a list of nine households within their district in which fever and consumption of John Farrelly's milk had coincided; and they requested that the Board should undertake a full investigation. Thereupon the Board directed the local authority for Waverley to procure and forward a list of John Farrelly's customers. On April 10 the Board received a communication from a physician in which he stated that he had under his care fever cases in five households, all of which were supplied with the milk already mentioned. Thereupon, on April 11, a fresh request for the list of customers was sent to Waverley, and it was at last handed in on April 17. On April 16 the local authority for Randwick forwarded a list showing all the cases of fever which had lately occurred in their district, as far as they had been able to discover them, and the milk-supply to each. Eight of the invaded households were said to have been supplied by John Farrelly; they yielded twelve cases, two of which had already ended fatally. Upon this information the Board, on April 18, directed that systematic investigation into the cause of illness should be made.

Upon review of the information at hand, I considered that an inquiry which should reveal the total incidence of fever upon Waverley and Randwick (which two municipalities will be referred to henceforward as "the District"), and the circumstances under which cases arose, would furnish material for ascertaining the cause or causes of illness; and if the result of this branch of the inquiry should point strongly to virulence of John Farrelly's milk, that a farther quest among those of his customers who resided outside the District would afford an efficient check upon that result. As to the time over which the inquiry should extend, I thought it necessary to go back as far as the beginning of the usual "fever season," or October 1. The forward limit was to be set by termination of a house-to-house visitation within the District; and this turned out to be on May 31. The space of time between October 1 and May 31 may for convenience be henceforward spoken of as "the Period."

The District was found to contain 2,553 dwelling-houses; but 305 of them were unoccupied, and at the close of the visitation, for one or other reason, particulars remained defective in respect of 25 more. It had been ascertained, however, that no fever had occurred in the latter during the Period, and, as it was not worth while to spend time in ascertaining the details as to milk supply of so small a proportionate number, they were written off. Full particulars as to incidence of fever, and as to supply of milk, were gathered, therefore, in respect of 2,223 out of the total 2,248 inhabited dwellings. It was found that 102 of these 2,223 households had been invaded by fever during the Period; in 22 of them more than one case had occurred, so that the 102 houses represented 133 cases; and the deaths were 9. [*Appendix, Table I.*]

* In a report upon an outbreak of Typhoid Fever in the Municipal District of Leichhardt, due to polluted milk, 1886, and in a report upon an outbreak of Typhoid Fever in the Municipal District of St. Leonards, due to polluted milk, 1887, I described at length the several steps of inquiry, and set out the evidence which each of them led up to. Much was then necessary by way of explanation, which now need not be repeated.

Some particulars regarding illness in the 102 invaded households are given in Tables II and IIA [*Appendix*]; but the details are complete only as regards 89 households and 118 cases. The remaining 13 households, yielding 15 cases, are placed apart in Table IIA. That they were invaded was learned from the lists already referred to; and the nature of the milk supply to four of them was got, as to *James Farrelly*,* from the doctor who attended upon the case, but, as to *John Farrelly*, from the list of his customers supplied by him. Dates of attack form an important part of the information required in such investigations as this, and Table II gives them; however, they are approximate only.

The next datum is the distribution of the eighty-nine invaded households over the District in point of space. This is shown in Map A, where households (or first cases alone) are denoted by letters. The arrangement of letters also serves to keep in mind the distribution of attacks in point of time, each being assigned to a different seven-day term within the Period. The letters are consecutive, but they are drawn in two colours for a purpose which appears later. [See *Appendix*, Map A.]

Typhoid fever is a miasmatic-contagious disease; and so, while defective sewers, infected water, and infected milk, may cause either sudden outbreaks or long-continued and more insidious epidemics according to varying circumstances of infection of air, water, &c., in any long period must occur (it may be co-incidentally with the former) a number of cases due to such remediable pollutions of soil and defective house-construction, as are well-known to be among the potent causes of endemic fever in Sydney and in other cities of New South Wales.

Defective sewers, as a possible cause, are easily excluded. There is but one sewer in the District; in a part of Randwick, namely, where out of 899 dwellings only about 200 in one neighbourhood are connected with it. However defective house-connections may be, a glance at the appended map A shows at once that but a few cases could be thus accounted for.

The water supply to the District is in small part local; that is, from old wells and from underground tanks. These exist, however, in but very small proportion; they could not account for many cases (there is no public well or tank among them), and in connection with such as there are it should be mentioned that pan-closets are now universal in the District, and that they are emptied by the appointed scavengers—householders not being allowed to empty them except in some few rural spots which are beyond the scavenger's reach. 85 per cent. of the dwellings, however, are connected with the public water service. This water flows from the catchment area to the Prospect Reservoir, and thence to Crown-street; and from Crown-street it is pumped first to the Woollahra Reservoir, and thence to the Waverley Reservoir. These two reservoirs supply by separate mains two different parts of the District which are on different levels. This public water, then, might be polluted at Prospect, or it might be polluted at Crown-street; but had this accident happened there would no doubt have been an unusual incidence of fever upon the whole of Sydney, whereas, in fact, the incidence has this year been smaller than usual. Or, the water might be polluted at Woollahra; but if that had happened, although the effects would have been manifested in all parts of the District, they would have been felt in other populous areas fed from that reservoir as well, which, in fact, have suffered during the present season rather less than usual, like the rest of the Metropolitan area. Lastly (pollution of water in local sub-mains being excluded by the equal distribution of infected houses over the District—equal, that is to say, over equally populous parts), the water might have got polluted in the district mains. The equal distribution of infected households over the District, however, makes it necessary to suppose that the same kind of pollution (if any) must have found access to the two district mains which run through separate lines of country; and this hypothesis may be dismissed unless failure of all other explanations should make further consideration of it necessary. Water supply of all sorts is thus excluded as the cause of fever in the District during the Period, or is excluded provisionally.

The third, and, under the circumstances, the only remaining cause of epidemic fever is a polluted milk supply. In Table III [*Appendix*] the 2,223 inhabited dwellings will be found classified according to their source of milk; and against each group is set the number of households which were invaded, except nine (for which, see *Appendix*, Table IIA), and the number of cases that occurred in them. In connection with this table it is to be remembered that typhoid fever gains access to man by many other channels than infected milk affords, and that every considerable business must, during the fever season, include among its customers some households in which illness has arisen quite independently of the milk consumed in them. Due regard being had to the probability of some slight error in this Table: error, that is to say, not as to the number of invaded households set down in it, nor as to the number of households there ascribed to John Farrelly as customers of his, because both of these matters were subject of special inquiry; but some proportionately slight error in the number of households ascribed to each of the other traders there mentioned: it will be at once noticed, first, that the number of invaded households served by John Farrelly is very much greater than the number served by any other trader, and, secondly, that this number, absolutely large, is greater still if the proportion of invasions to total households supplied be considered. Thus, John Farrelly supplied 121 households, and 38 of them were invaded; the Fresh Food and Ice Company supplied 494, and 11 were invaded. Now, 11 is less than a third of 38, if merely the absolute numbers be regarded; but the proportionate number of invasions to households supplied is about 35 per cent., and about 2 per cent. respectively, so that the incidence on John Farrelly's customers was about 17 times as great as upon those of the company named. If a smaller trader (Owen and Griffith) be taken for another comparison of the same kind—and that the trader among the smaller ones who had most cases of fever next to John Farrelly in proportion to the number of households served—yet the incidence of fever on his customers was but a fifth of the incidence upon John Farrelly's. But when small numbers are taken percentages are liable to produce a false impression. It will be better to compare Farrelly's business with all the others taken together. Thirty-four traders are mentioned in the table by name, and they had among them 43 households invaded; or, if the 24 additional traders who are included under the heading "Miscellaneous" (because they supplied between them only 38 households) be included, then 58 suppliers furnish only 45 invaded households (or rather less than 1 a-piece), while John Farrelly furnishes for himself alone no less than 38. The numbers thus far mentioned refer to households only: but some households furnished multiple cases; and the proportion of these among Farrelly's customers is not less strikingly in excess of the proportion among the other businesses taken together than is the number of invasions ascribed to him. Out of 64 invaded households supplied from various sources (but in mentioning 64 an advantage is given to John Farrelly, because 10 are included to which the nature of the supply was not ascertained—(see Table IIA), only 8 yielded more than one case a-piece; but of 38 invaded households supplied by John Farrelly,

no

*James Farrelly and John Farrelly carry on separate and independent businesses in different districts.

no less than 15 yielded more than one case, the respective proportions being 12·5 per cent. and 39 per cent. Or, if cases be counted, then the 64 households supplied from various sources yielded 74 cases, but John Farrelly's 38 households yielded 59 cases. Had the 64 suffered as the 38 did, they would have furnished 99 cases instead of 74. These facts afford a strong presumption that John Farrelly's milk did possess virulent qualities, and did determine typhoid fever among those who consumed it. It is just possible, however, that if his trade were confined to extremely unhealthy spots, while the other traders served in healthy spots, that the connection between it and the fever might after all be no more than a coincidence; the *place where* and not the *thing which* constituting the link between the two. On Map A, where the letters indicate the position of 89 of the 102 invaded households, the red letters show those which were supplied from any of the other sources mentioned in Table III, while the blue letters show those which were supplied by John Farrelly. It will be noticed, not merely that wherever a blue letter is set red letters are to be found not far away, but that the converse statement does not hold good—red letters are to be found where there are no blue letters. And further, in Map B the position of John Farrelly's 121 customers is marked approximately, the 38 invaded households being distinguished by a blue circle traced round the dots; and upon comparing the two maps it will be found, for instance, that whereas there are many red letters on that area which is bounded by Birrell-street to the north, and westerly by the branch to Randwick tram-line, there are very few blue letters, so that it appears at first sight as though the explanation were merely that on that area Farrelly had but few customers: whence the inference is easy that Farrelly's customers suffered rather because he did supply his milk in unhealthy areas than because it was virulent, and itself a cause of disease—or, in other words, that all the cases were due to local influences, and therefore arose independently of any milk whatever. But that inference would be mistaken: and it would be mistaken because in drawing it the imperfection of maps, which cannot display all the circumstances of the case, is left out of account. To demonstrate this it is sufficient to take any small area of sufficient size, on which both red and blue letters occur, and to distribute the houses within it under their various sources of milk supply, just as all the houses in the District are distributed in Table III. This being done it is found that the number of blue letters in proportion to houses served by John Farrelly is greater than the proportion of red letters to the number of houses served by any of the other suppliers within that area. And, therefore, as houses standing on the same area are exposed practically to identical local influences, this result serves to strengthen the provisional conclusion already foreshadowed and now to be stated; namely, that John Farrelly's milk did possess qualities which determined typhoid fever among those who consumed it.

I call this a provisional conclusion, because the District does not include all the households served by this trader. It was mentioned at first that the investigation was to be based upon facts discovered within the District, and that the result was to be checked by comparison with the result of inquiry among his customers residing outside it. If his milk were virulent at all, it must have produced similar effects wherever it was distributed—that is, provided the whole quantity of milk left his premises in the same state. Table IV [*Appendix*] shows the result of an inquiry made with assistance of the list of customers supplied by John Farrelly to the local authority of Waverley about April 17. It will be noticed that between his list for the District and the list made after a house-to-house inquiry, which was checked off by a second visitation, there is a discrepancy by defect of twenty-eight names; and it may be observed here that the correction operated entirely in John Farrelly's favour, no fresh cases of fever being included among them. But as to the other three municipalities it was, of course, out of the question to continue the house-to-house visitation, and it is, therefore, impossible to say whether the list rendered is accurate or not, or, if supposed inaccurate, whether the variation is in favour of the accused milk or against it. This Table IV [*Appendix*] shows an equality of incidence of the fever upon the five groups of customers who lived (in all respects except that of milk supply) under different local conditions which is striking. About 30 per cent. of the households supplied by John Farrelly suffered in each district; and 30 per cent. is the proportion that suffered among the total supplied by him in all the Municipalities together. Thirty-one per cent. was the proportion of invaded households among his customers that yielded multiple cases outside the District, which proportion within it was (on larger totals) 39 per cent. And the number of cases in proportion to invaded households, within and outside the District, was also close; within the District 38 households served by him yielded 59 cases; outside it 29 households served by him yielded 53 cases. So that the provisional conclusion formed after examination confined to the District, is confirmed by the result of examination of the fate of customers in three municipalities outside it.

The milk was virulent then; that is the important conclusion warranted by the events thus far described. A separate matter is inquiry as to the way in which the milk acquired its virulence. It is not often that this can be discovered beyond reasonable doubt.

The dairy premises stand on an outcrop of rock between Frenchman's Road and Orange-street, Randwick; they are indicated on the two maps by a cross. They are rather extensive; the number of cows milked is usually between forty and fifty. The situation of these premises is suitable enough; the several buildings are well spaced out; and the cows run upon large areas of uninhabited land near by. The closets are pails, emptied by the public scavenger. The water supply is from the public mains, by taps placed at several convenient points. This water is (in the case of such business premises) paid for by meter. Before water was laid on, a well situated at a low point of the yard, and inadequately guarded against inflow of surface water was the source of supply. This well remained unclosed until (probably) the last day of March or the first day of April in the present year. No disease among the cows was discovered. This establishment has always been very dirty and ill-kept, and has largely occupied the attention of the Board since August 10, 1887. But, upon the whole, the only positively dangerous circumstance about it was the well; and on the date last mentioned its closure was first urged upon the local authority. It remained unclosed, however, until the end of March last, as mentioned above. Other important points are the following:—On November 20, 1888, M.G., a man employed by John Farrelly, was admitted to hospital suffering from typhoid fever; and on January 15, 1889, M., another of his hands. On December 1, 1889, W.M., one more of his hands, suffered for three weeks from fever, having been admitted to hospital at the end of the first week; his illness was described in the hospital books as "febricula." On March 14, 1890, an officer of the Board visited the premises for reasons mentioned, and found the well still open, and (as usual in similar cases) said to be retained only for cartwashing. On the same day, John C. Farrelly was stopped as he was distributing milk by
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the Inspector of Dairies for the City of Sydney, in the ordinary course of duty, and a sample was taken. He said the milk was not his father's, but had been purchased at a depôt which he named. On analysis the milk proved to be adulterated with water; and proceedings were taken against John Farrelly for having adulterated milk for sale, and against John C. Farrelly for selling it. Both were convicted and fined; but, owing to adjournments, not until nearly a month later. I have been informed by the officers who conducted the prosecution that, at hearing of the case, John C. Farrelly admitted that the milk was not purchased, but was his father's, and that his father had watered it.

In connection with these circumstances Table V [*Appendix*] may be considered: it shows cases known to have occurred among John Farrelly's customers during the Period, irrespective of the neighbourhood in which they lived, arranged in order of approximate dates of attack; first cases in households are numbered and distinguished by black type. This table, with addition of 3 households, equal to 5 cases, and 1 death, from Table IIA (omitted from Table V because their *dates of attack* are not known), shows what was the incidence of fever during the season 1889-90, upon 218 households, between whom the sole bond was supply of milk from this common source. All of these cases, however, cannot have been due to the virulent milk; these households were open to the usual influences of locality and season to cause fever, and some of these persons doubtless did contract fever independently of the milk: yet, on the other hand, some who were infected from the milk would not have suffered if they had not lived under unhealthy local influences. Taking this into consideration it is not easy to say when the milk first began to have virulence. Doubtless, evidence on this point is deducible from the proportionate number of cases which occurred in March and February (when all the deaths, except one, happened) and perhaps in January; but in this view the virulence of the milk must have been uniform over the months mentioned, but must have gradually increased in potency to infect from the beginning of January to the end of March. One thing, however, the Table shows unmistakably: it is that the milk ceased to be virulent at the end of March—that is to say, that within the District (where the house-to-house inquiry did not begin until April 29) no case occurred in households served with it after April 16, and no household was freshly invaded after April 5. Now a curve constructed from the mortality from typhoid fever month by month over the Metropolitan area, deduced from records for a series of years, and expressed as a rate per 10,000 of population, shows a gradual ascent from October to the end of May, when after an abrupt fall occurs to the minimum at the end of the following September. Deaths, of course, do not occur in constant proportion to number of cases; but in the case of this disease it may be taken that the average death-rate during a series of years indicates the incidence of disease with tolerable accuracy. Then if the increasing incidence of fever upon the general population of Sydney, thus deduced from the mortality, be compared with the increasing incidence of fever upon the consumers of the milk, as shown by Table V [*Appendix*], it appears that the virulence of the milk increased to the end of March, exactly as the virulence of the general causes (following seasonal development) increases year after year; but that at the end of March it suddenly lost its virulence altogether, although the virulence of general causes of fever was (following the experience of a series of years) continuing still to increase for two months more—that is, until the end of May. These two circumstances are both of them striking. As to the abrupt cessation of virulence in the milk, it coincides exactly with the date on which the well was filled up. And it may be suggested with regard to accord between the gradually-increasing potency of the virulent milk and the gradually-increasing seasonal activity of fever, that if the well were permanently infected with the typhoid poison the virulence of its water would probably follow the same seasonal development in point of potency. If, therefore, it were used frequently, but not necessarily every day, for washing the cans, the milk would show its virulence increasing as the season progressed, just in the way in which it did increase, which is so striking, and which cannot be easily explained in any other way.

The conclusion thus reached is that during the fever season, 1889-90, the milk distributed by John Farrelly possessed poisonous qualities, which determined typhoid fever in those who drank it. The number of households known to have consumed this milk was 218 (but I have no means of learning whether that is the whole number), and sixty-seven of them were infected. 112 members of these sixty-seven households suffered, and nine died. It seems strongly probable that a foul well on the dairy premises was the source of virulence for the milk.

J. ASHBURTON THOMPSON, M.D., D.P.H.

APPENDICES.

TABLE I.

SHOWING in summary the number of households in Waverley and Randwick (or the District) as to which particulars of milk-supply and incidence of fever were ascertained.

District.	Dwelling Houses.	Unoccupied Houses.	Houses in respect of which inquiry remained incomplete.	Households in respect of which inquiry was completed.	Number of Households invaded by fever.	Total Number of Cases.	Number of Deaths.
Waverley	1,654	204	11	1,439	62	81	5
Randwick	899	101	14	784	40	52	4
Totals	2,553	305	25	2,223	102	133	9

TABLE II.

SHOWING age, sex, date of attack and other particulars as to 89 households in Waverley and Randwick, invaded by Typhoid Fever between October 1, 1889, and May 31, 1890.
First cases only are numbered. p. w.—Public Water Service; u. and o. g.—Under and over-ground tanks.

No.	Typhoid since 1st October, 1889.			How long here.	First tenant or not.	No. in household.		Former cases of zymotic disease in same house and family.	Doctor.	Closet.	Water.	Milk from	Remarks.
	Sex.	Age.	Date.			Adults.	Children.						
1	F	26	14 Nov.	2	Not.	3	1	None	Coast Hospital	Pail ...	p. w. and o. g.	Mackenzie.	
2	M	12	15 "	1	Not.	3	2	"	Sydney Hospital	" ..	p. w.	F. F. & I. Co.	
3	F	25	19 "	2	Not.	3	1	"	O. H. R.	" ..	p. w.	Duncan and Owen	Milk always boiled.
4	F	26	21 "	.....	.....	.....	.....	" .....	O. H. R.	" ..	p. w.	and Griffith.	
4	M	6	20 "	1	Not.	2	5	"	C. A. E.	Pail ...	p. w.	Clark.	
5	F	40	21 "	6	Yes.	Large number.		Scarlet fever, 1887, measles, 1888.	J. B. C.	" ..	p. w., u. p., o. g.	Own cow.	
6	F	5	23 "	3	Yes.	3	3	None	"	" ..	p. w., o. g. ...	John Farrelly.	
7	M	20	7 Dec.	8	Yes.	4	3	Scarlet fever, 1887	R. S. B.	Pail ...	p. w., o. g.	Own cow.	
8	F	28	7 "	1	Not.	2	.....	None	C. A. E.	" ..	p. w.	Loneragan.	
9	M	25	16 "	2	Not.	5	2	"	F. H. Q.	" ..	p. w.	Shortell	Always boiled.
10	M	10	17 "	5	Yes.	5	6	Diphtheria, 1886, typhoid, January, 1889.	"	" ..	p. w., o. g.	Own cow.	
	M	9	21 Jan.										
	M	38	5 Feb.										
	F	39	8 "										
11	M	15	18 Dec.	4	Yes.	8	4	None	O. H. R.	" ..	p. w.	John Farrelly.	
12	M	22	20 "	15	Not.	8	.....	Low fever in 1885	St. Vincent's Hospital	" ..	p. w., o. g.	Waddington	A cow-keeper who relinquished business 31st December, 1889.
	M	18	16 Feb.	.....	.....	.....	.....	.....	P. J. C.	" ..			
	M	18	21 "	.....	.....	.....	.....	.....	Coast Hospital	" ..			
13	F	4	21 Dec.	1	Not.	2	4	None	O. H. R.	" ..	p. w.	Owen & Griffith.	
14	M	30	24 "	3	Not.	3	4	"	F. H. Q.	Cesspit	p. w.	John Farrelly	Patient never drank milk.
	F	4	25 Jan.										
	F	9	1 Feb.										
15	M	4	25 Dec.	1	Yes.	2	3	"	P. J. C.	Pail ...	o. g. t.	Own goats.	
16	F	25	25 "	.....	.....	4	4	Diphtheria, 1889	St. Vincent's Hospital	" ..	p. w.	Smith	Patient a domestic servant who had been here one month.
17	M	7	25 "	1	Yes.	4	6	"	O. H. R.	W. C. ...	p. w.	John Farrelly	Patients drank more milk than others.
	F	13	7 Jan.	.....	.....	.....	.....	.....
18	F	11	1 "	1	Not.	2	5	Cholera, 1889	J. B. C.	Pail ..	p. w.	F. F. & I. Co.	Had extra milk occasionally from John Farrelly.
	M	8	8 "	.....	.....	.....	.....	.....
19	F	9	1 "	5	Yes.	3	4	Measles, 1885	P. J. C.	" ..	p. w.	John Farrelly.	
	F	7	4 April	.....	.....	.....	.....	.....
20	M	36	5 Jan.	1	Not.	4	2	None	O. H. R.	" ..	p. w.	John Farrelly	One of John Farrelly's men lodged here. He fell ill and left work, December 1, 1889; was admitted to Coast Hospital, December 8, and discharged, December 20. His illness was there set down as Febricula. The first mentioned of this group of acknowledged enteric cases, took 2 pints of John Farrelly's milk daily for his own use; the others, Patrick Farrelly's.
	M	24	8 Mar.	.....	.....	.....	.....	.....				Patrick Farrelly.	
	F	6	15 "	.....	.....	.....	.....	.....				"

¶ Died.

No.	Typhoid since 1st October, 1889.			How long here.	First tenant or not.	No. in household.		Former cases of zymotic disease in same house and family.	Doctor.	Closet.	Water.	Milk from	Remarks.
	Sex.	Age.	Date.			Adults.	Children.						
21	F	35	20 Jan.	Years. ....	...	5	3	.....	S.T.K. ....	.....	p.w. & o.g.t...	Jay	
22	F	9	20 "	2	Not.	2	7	None	C.A.E.	Pail ..	p.w.	"	
23	F	15	21 "	6	Yes.	5	2	Typhoid, 1888.....	J.B.C.	" ..	o.g. & u.g.t...	Best	A visitor; here for a fortnight before attack.
24	F	9	23 "	2	Not.	4	2	None	P.J.C.	" ..	p.w.	John Farrelly	Patient drank milk in quantity.
25	F	26	24 "	1	Not.	4	2	"	"	" ..	p.w. & o.g.t...	John Farrelly.	
26	F	12	27 "	4	Not.	2	4	"	J.M.C.	Cesspit	p.w.	John Farrelly.	
	F	8	16 Apl.	.....	.....	.....	.....	.....	J.M.C. ....	.....	.....	.....
27	F	21	31 Jan.	1	Not.	.....	.....	None.....	Coast Hospital	Pail ..	p.w.	John Farrelly.	
28	M	16	31 "	1	Not.	7	1	"	M.O.	" ..	p.w. & o.g.t...	John Farrelly	J. F. from 1st January; extra occasionally from F. F. and I. Co.
	F	18	3 Feb.	.....	.....	.....	.....	.....	.....	.....	.....	.....
	M	55	24 "	.....	.....	.....	.....	.....	.....	.....	.....	.....
29	F	7	1 "	2	Not.	5	3	Typhoid, 1888 .....	.....	" ..	p.w.	John Farrelly.	
30	M	10	7 "	4	Yes.	3	4	Measles, 1888	O.H.R.	" ..	p.w.	Owen & Griffith.	
31	F	40	7 "	36	Not.	7	1	None	A.J.B.	" ..	p.w.	Own cow.	
32	M	7	10 "	4	Yes.	3	3	"	O.H.R.	" ..	p.w. & o.g.t...	John Farrelly	Always boiled. Patients took it in porridge, tea, &c.
	F	22	10 "	.....	.....	.....	.....	.....	.....	.....	.....	.....
33	M	30	10 "	1	Not.	2	1	"	F.M.S.	" ..	p.w.	John Farrelly	Dealt with J. F. from January 20th.
34	M	30	11 "	1	Not.	3	2	" .....	.....	" ..	p.w.	F. F. & I. Co.	
35	M	10	14 "	2	Yes.	7	4	Tpyhoid, March, 1889 ..	O.H.R.	" ..	p.w.	Own cow.	
36	F	50	14 "	2	Not.	4	.....	" .....	R.W.	" ..	p.w.	Country Milk Co.	
37	F	33	14 "	6	.....	.....	.....	Typhoid, 1888.....	.....	" ..	o.g.t.	Jay.	
38	F	22	14 "	5	.....	3	4	"	C.A.E.	" ..	p.w. & o.g.t...	Broughton.	
39	F	26	20 "	1	Not.	2	2	None	P.J.C.	" ..	p.w.	John Farrelly	Patients drank milk in quantity.
40	F	26	21 "	3	Yes.	3	3	"	C.K.McK.	" ..	p.w.	John Farrelly.	
	F	8	1 Mar.	.....	.....	.....	.....	.....	.....	.....	.....	.....
41	M	32	24 Feb.	2	Not.	2	1	"	P. A. Hospital	Cesspit	p.w. & o.g.t...	F. F. & I. Co.....	Police station.
*42	M	49	25 "	1	Not.	2	4	"	F.M.S.	Pail ..	p.w.	John Farrelly.	
	F	7	14 Mar.	.....	.....	.....	.....	.....	.....	.....	.....	.....
43	F	10	26 Feb.	4	Yes.	2	6	Scarlet fever, 1886, measles, 1888.	M.T.M.	" ..	p.w.	John Farrelly.	
	F	12	1 Mar.	.....	.....	.....	.....	.....	.....	.....	.....	.....
	F	3	15 "	.....	.....	.....	.....	.....	.....	.....	.....	.....
	F	5	2 Apl.	.....	.....	.....	.....	.....	.....	.....	.....	.....
	M	9	4 "	.....	.....	.....	.....	.....	.....	.....	.....	.....
44	F	26	28 Feb.	3	Not.	2	6	None	O.H.R.	" ..	p.w.	Own cow	Seldom has milk, but sometimes from a neighbour's cow.
*45	F	13	28 "	1	Not.	7	5	"	O.H.R.	W.C.	p.w.	John Farrelly	Always boiled; patient alone drank milk in quantity.
46	M	4	28 "	1	Not.	2	5	"	F.M.S.	Pail ..	p.w.	John Farrelly.	
47	F	14	1 Mar.	10	Yes.	3	7	Typhoid, 1886.....	P.J.C.	" ..	p.w. & o.g.t...	John Farrelly.	
	F	7	1 "	.....	.....	.....	.....	.....	.....	.....	.....	.....
48	M	34	1 "	5	Yes.	2	1	Diphtheria, 1887.....	J.B.C.	Pail ..	p.w.	F. F. & I. Co.	
49	M	10	1 "	6	Yes.	2	5	None.....	O.H.R.	" ..	p.w. & o.g.t...	Patrick Farrelly...	But extra from John Farrelly occasionally, and oftener just before date of illness.
50	F	6	1 "	1	Yes.	2	2	"	J.B.C. ....	.....	.....	.....
	M	2	14 "	.....	.....	.....	.....	.....	.....	.....	.....	.....
51	F	21	1 "	1	Not.	5	.....	" .....	A.N.	" ..	p.w. & o.g.t...	Owen & Griffith ...	Always boiled. Patients drank milk in quantity.
52	F	22	3 "	1	Yes.	4	.....	" .....	St. Vincent's Hospital	Pail ..	p.w.	Best.	
53	F	13	4 "	4	Not.	2	4	"	F.M.S.	" ..	p.w. & u.g.t...	John Farrelly	Always boiled.
												Broughton.	

* Died.

No.	Typhoid since 1st October, 1889.			How long here.	First tenant or not.	No. in household.		Former cases of zymotic disease in same house and family.	Doctor.	Closet.	Water.	Milk from	Remark
	Sex.	Age.	Date.			Adults.	Children.						
54	M	30	5 Mar.	3	Not.	6	3	None	C.A.E.	Pail	p.w.	F. F. & I. Co.	
55	M	8	6 "	1	Not.	7	4	Scarlet fever, 1889	J.B.C.	Cesspit	p.w.	John Farrelly.	
56	F	20	6 "	5	Yes.	5	3	None	O.H.R.	W.C.	p.w.	Own cow.	
57	M	11	7 "	1	Not.	3	2	"	J.B.C.	Pail	p.w.	J. Ashworth	Always boiled,
58	F	21	8 "	1	Not.	3	2	"	J.B.C.	"	o.g.t.	G. Best.	
59	M	11	9 "	1	Not.	2	2	"	F.M.S.	"	p.w.	John Farrelly.	
60	M	15	17 "	2	Yes.	5	6	Typhoid, 1888	Coast Hospital	Pail	p.w.	John Farrelly	5 cases in 1885, and 2 deaths in same house.
61	M	24	10 "	1	Not.	2	.....	None	W.D.C.W.	"	p.w.	Condensed.	
62	M	32	10 "	1	Not.	2	.....	Scarlet fever, 1888; low fever, 1889.	J.B.C.	"	p.w. & o.g.t.	Patrick Farrelly.	
63	M	7	10 "	2	Not.	2	4	"	"	"	"	"	
64	M	8	14 "	1	Not.	1	6	None	"	"	"	John Farrelly.	
65	F	26	14 "	4	Not.	2	3	"	T.M.M.	Pail	p.w.	John Farrelly.	
66	F	30	28 "	1	Not.	2	2	"	T.S.K.	Cesspit	well	-- Lonergan.	
67	M	35	14 "	1	Not.	2	2	"	H.P.C.G.	Pail	p.w.	John Farrelly	Extra from F. F. & I. Co.; patient alone drank milk in quantity.
68	F	12	16 "	6	Not.	5	2	Measles, 1885	"	"	"	"	
69	M	39	16 "	1	Not.	3	3	None	T.M.M.	"	p.w.	Condensed.	
70	M	11	16 "	6	Yes.	6	1	"	F.M.S.	"	p.w.	James Farrelly.	
71	F	5	17 "	5	Yes.	3	4	"	O.H.R.	"	p.w. & o.g.t.	F. F. & I. Co.	But from John Farrelly on March 13, 14, and 15.
72	F	28	17 "	3	Not.	4	.....	"	E.J.J.	"	p.w.	F. F. & I. Co.	From John Farrelly until a date which may have been three weeks before date of attack; then from F. F. and I. Co., but when the latter failed to call, then from any passing milkman.
73	M	20	20 "	4	Not.	5	1	"	J.B.C.	"	p.w. & o.g.t.	Condensed.	
74	F	30	22 "	2	Yes.	4	2	"	"	"	p.w. & o.g.t.	Owen & Griffith	Always boiled.
75	F	3	15 May	.....	.....	.....	.....	"	O.H.R.	"	"	"	
76	F	17	24 Mar.	2	Not.	3	1	"	St. Vincent's Hospital	"	p.w.	John Farrelly	Patient drank milk in quantity.
77	F	19	24 "	3	Not.	1	2	"	F.M.S.	"	p.w.	John Farrelly.	
78	M	17	24 "	.....	.....	.....	.....	"	J.B.C.	"	p.w.	W. Ashworth.	
79	M	30	2 Apl.	.....	.....	.....	.....	"	Coast Hospital	"	"	W. Ashworth.	
80	F	7	24 Mar.	1	Not.	3	1	None	F.M.S.	"	p.w.	F.F. & I. Co.	
81	F	14	24 "	2	Not.	.....	.....	"	O.H.R.	"	p.w.	Owen & Griffith.	
82	M	5	28 "	1	Not.	4	4	"	P.J.C.	"	p.w.	John Farrelly.	
83	F	30	27 "	1	Not.	2	4	"	Coast Hospital	"	p.w.	West.	
84	M	32	29 "	1	Not.	6	1	"	W.H.C.	W.C.	p.w.	John Farrelly	Patient drank milk in quantity.
85	F	33	31 "	1	Not.	2	3	"	St. Vincent's Hospital	Pail	p.w.	John Farrelly.	
86	M	4	31 "	6	Not.	1	3	"	G.L.M.	"	p.w.	John Farrelly.	
87	F	3	31 "	1	Not.	4	5	"	C.A.E.	"	p.w.	W. Ashworth.	
88	F	6	1 Apl.	2	Not.	4	2	"	O.H.R.	"	p.w.	Owen & Griffith.	
89	F	13	4 "	7	Yes.	3	6	Measles, 1885; scarlet fever, 1889.	J.M.C.	Cesspit	p.w.	Clark.	
90	F	40	5 "	5	Not.	2	7	Scarlet fever, 1888.	J.B.C.	Pail	p.w.	John Farrelly.	
91	M	4	12 "	5	Not.	2	5	Measles, 1887; gastric fever, 1889.	F.M.M.	Cesspit	p.w.	F.F. & I. Co.	
92	M	19	21 "	7	Not.	4	5	None	C.A.E.	Pail	p.w.	Own goats.	
93	F	21	28 "	1	Not.	2	.....	"	P.J.C.	"	p.w.	F.F. & I Co.	

*Died.

TABLE IIA.

OTHER persons known to have suffered within the District and Period, but who were not found, owing either to removal or insufficient address, and whose date of attack is therefore unknown.

No.	Sex.	Age.		Died.	Milk Supply
90	.....	.....	.....	.....	James Farrelly.
91	.....	.....	.....	.....	John Farrelly.
92	{.....	.....	{ One household .....	.....	{ John Farrelly.
93	.....	.....	.....	.....	Not known.
94	.....	.....	.....	.....	"
95	M	25	Admitted to hospital, October 4 .....	.....	"
96	M	11	" " " 15 .....	.....	"
97	F	23	" " " January 11 .....	.....	"
98	M	23	" " " 24 .....	.....	"
99	F	15	" " " 27 .....	.....	"
100	M	28	" " " March 23 .....	.....	"
101	F	17	" " " 24 .....	.....	"
102	{ M F	Adult 4	{ One household	D	{ John Farrelly.

TABLE II B.

SHOWING the sex, age, and approximate date of attack, of all persons known to have suffered who are included in the list of his customers outside the District, furnished by John Farrelly about April 17th, 1890. First cases are numbered and distinguished by black type.

	Sex.	Age.	Date of attack.	Died.	
1	F	12	1 Nov. ...	d.	
	F	4	14 Dec. ...		
	M	7	16 " ...		
	F	40	1 Jan. ...		
	F	13	28 Feb. ...		
	M	4	21 Mar. ...		
	F	1	1 May ...		
2	M	29	9 Nov. ...		
	F	19	9 Dec. ...		
	F	15	9 " ...		
3	M	18	15 Nov. ...		
4	F	30	16 " ...		
	F	55	4 Mar. ...	d.	
5	M	20	25 Nov. ...		An extra pint daily from Farmer.
	M	16	1 Dec. ...		
	F	53	1 Jan. ...		
6	F	35	30 Nov. ...		
7	M	13	30 " ...		J. F. and F. F. & I. Co. together always.
8	F	20	20 Dec. ...		
9	F	16	1 Jan. ...		
	M	12	1 Feb. ...		
	F	6	14 " ...		
	M	3	21 " ...		
10	F	19	16 Jan. ...		
11	F	30	18 " ...		
12	M	7	26 " ...		Always boiled, except for patient, who drank milk in quantity.
13	F	11	31 " ...		
	F	20	1 Mar. ...		
	F	8	1 " ...		
	M	3	1 April ...		
14	F	18	17 Feb. ...		
15	M	12	1 Mar. ...		J. F. and F. F. & I. Co. together always.
16	F	32	1 " ...		
17	F	28	1 " ...		
18	M	15	1 " ...		" " "
19	F	14	1 " ...		" " "
	M	50	3 April ...		
	M	19	3 " ...		
20	F	5	1 Mar. ...		
21	F	4	1 " ...		" " "
22	F	37	1 " ...	d.	
23	F	20	3 " ...		
24	F	6	4 " ...		
	M	3	4 " ...		
	M	46	7 " ...		
	M	8	10 " ...		
	F	15	10 " ...		A large household here, some members of which disliked or scarcely drank milk, whilst others were fond of it, and drank it in quantity. All the latter, and none of the former, suffered.
25	F	7	12 " ...		
26	M	19	15 " ...		F. F. & I. Co.; an extra pint from J. F. daily.
	M	21	15 " ...		
27	F	19	23 " ...		
28	M	8	24 " ...		
29	M	36	1 April ...	d.	

TABLE III.

SHOWING 2,223 households within the District distributed under their respective sources of milk-supply, invaded households being distinguished.

Nature of Supply.	Households Supplied.	Counted twice.	Households Invaded.	Counted twice.	Number of Cases.	Counted twice.	Deaths.	Counted twice.
Jay	84	1	3	.....	3	.....	.....	.....
Country Milk Company	45	.....	1	.....	1	.....	.....	.....
Leppard	23	.....	.....	.....	.....	.....	.....	.....
Duncan	22	2	1	1	2	2	1	1
Keogh	14	.....	.....	.....	.....	.....	.....	.....
Purcell	10	.....	.....	.....	.....	.....	.....	.....
Armstrong	9	.....	.....	.....	.....	.....	.....	.....
Lloyd	25	.....	.....	.....	.....	.....	.....	.....
Madrell	11	.....	.....	.....	.....	.....	.....	.....
Owen and Griffiths	93	2	7	.....	10	.....	1	.....
†Patrick Farrelly	150	5	3	1	5	2	.....	.....
W. Ashworth	57	2	2	.....	3	.....	1	.....
G. Best	54	1	3	.....	3	.....	.....	.....
J. Ashworth	172	22	1	.....	1	.....	.....	.....
Muldoon	22	.....	.....	.....	.....	.....	.....	.....
F. F. and I. Company	494	40	11	.....	12	.....	.....	.....
†John Farrelly	121	3	38	.....	59	2	5	.....
Sheehan	19	.....	.....	.....	.....	.....	.....	.....
Shortell	10	.....	1	.....	1	.....	.....	.....
Husband	10	.....	.....	.....	.....	.....	.....	.....
Fleming	13	.....	.....	.....	.....	.....	.....	.....
Tuite	14	.....	.....	.....	.....	.....	.....	.....
Waddington	6	.....	1	.....	3	.....	.....	.....
Johnstone	6	.....	.....	.....	.....	.....	.....	.....
Loneragan	31	1	2	.....	2	.....	.....	.....
†James Farrelly	64	.....	2	.....	2	.....	1	.....
Mackenzie	75	1	1	.....	1	.....	.....	.....
Pynsent	23	.....	.....	.....	.....	.....	.....	.....
Clark	77	2	2	.....	2	.....	.....	.....
Proctor	13	.....	.....	.....	.....	.....	.....	.....
Marshall	13	.....	.....	.....	.....	.....	.....	.....
Noad	14	.....	.....	.....	.....	.....	.....	.....
Broughton	58	.....	2	.....	2	.....	.....	.....
Cannon	39	6	.....	.....	.....	.....	.....	.....
Miscellaneous—(twenty-four suppliers)	38	.....	2	.....	3	.....	1	.....
Own cow (or goats)	159	.....	9	.....	12	.....	.....	.....
Condensed milk only	188	.....	3	.....	3	.....	.....	.....
Do not take milk	19	.....	.....	.....	.....	.....	.....	.....
No regular milkman	16	.....	.....	.....	.....	.....	.....	.....
Totals	2,311	88	95	2	130	6	10	1

† These three traders, although of the same name, conduct independent businesses.

TABLE IV.

SHOWING in summary the result of examination of households both within and outside the District known to have been supplied with milk by John Farrelly, as to fever.

District.	Number of customers in the cowkeeper's list.	Gone away.	Could not be found.	Denied supply by J.F.	Customers found, or number in cowkeeper's list after correction by visitation.	Households of customers invaded by fever during the Period.	Proportion of households invaded to households served.
Waverley	70	.....	.....	.....	79	25	31·6
Randwick	23	.....	.....	.....	42	13	30·9
Paddington	43	4	1	1	37	12	32·4
Woollahra	27	4	.....	1	22	7	31·8
City of Sydney	50	5	7	.....	38	10	26·3
Totals	213	13	8	2	218	67	30·7

NOTE.—The numbers for Waverley and Randwick include all customers in those districts; the numbers for other districts are taken from the list supplied by John Farrelly, corrected as shown in this Table.

TABLE V.

TABLE V.

SHOWING the sex, age, and approximate date of attack of all persons, except 5 mentioned in Table II_A, among J. F.'s customers, who are known to have suffered (number of households supplied, 218). First cases are numbered and distinguished by black type.

	Sex.	Age.	Approximate Date of Attack.	Died.		Sex.	Age.	Approximate Date of Attack.	Died.
1	F	12	1 Nov.	d.	.....	F	8	1 March	
2	M	29	9 "		37	F	14	1 "	
3	F	30	16 " .....		.....	F	7	1 "	
4	M	18	18 " .....		.....	F	12	1 "	
5	F	5	23 "		38	F	28	1 "	
6	M	20	25 "		39	M	15	1 "	
7	F	35	30 "		40	F	14	1 "	
8	M	13	30 "		41	F	5	1 "	
.....		16	1 Dec.		42	F	4	1 "	
.....		19	9 "		43	F	37	1 "	d.
.....		15	9 "		44	F	20	3 "	
.....		4	14 "		45	F	22	3 "	
.....		7	16 "		46	F	6	4 "	
9	M	15	18 " .....		.....	M	3	4 "	
10	F	20	20 " .....		.....	F	55	4 "	d.
11	M	30	24 "		47	M	8	6 "	
12	M	7	25 " .....		.....	M	46	7 "	
.....		53	1 Jan. ....		.....	M	24	8 "	
.....		40	1 " .....		.....	F	8	8 "	
13	F	16	1 "		48	M	11	9 "	
14	F	9	1 "		49	M	24	10 "	
15	M	36	5 " .....		.....	M	8	10 "	
.....		13	7 "		50	F	15	10 "	
16	F	19	16 "		51	F	7	12 "	
17	F	30	18 " .....		.....	M	8	14 "	
18	F	9	23 "		52	F	7	14 "	
19	F	26	24 " .....		.....	F	26	14 "	
.....		4	25 " .....		.....	F	6	15 "	
20	M	7	26 "		53	M	19	15 "	
21	F	12	27 " .....		.....	M	21	15 "	
22	F	21	31 "		54	M	4	15 "	
23	M	16	31 " .....		.....	F	12	16 "	
24	F	11	31 "		55	M	15	17 "	
.....		12	1 Feb.		56	F	19	23 "	
25	F	7	1 "		57	F	17	24 "	d.
.....		9	1 "		58	M	8	24 "	
.....		18	3 "		59	F	9	24 "	
26	M	7	10 " .....		.....	M	30	28 "	
.....		22	10 "		60	F	32	29 "	
27	M	30	10 "		61	F	33	31 "	
.....		6	14 "		62	M	4	31 "	
28	F	18	17 " .....		.....	M	3	1 April	d.
29	F	26	20 "		63	F	36	1 "	
30	F	26	21 " .....		.....	M	5	2 "	
.....		3	21 " .....		.....	M	50	3 "	
31	M	55	24 "	d.	.....	M	19	3 "	
32	F	49	25 "	d.	.....	M	9	4 "	
33	F	10	26 "	d.	.....	F	7	4 "	
34	F	13	28 "		64	F	40	5 "	
.....		4	28 " .....		.....	F	8	16 "	
35	M	12	1 March .....		.....	F	1	1 May	
36	F	32	1 " .....		.....		
.....		20	1 "						

NOTE.—Three households, yielding five cases (one fatal) are omitted from this table, the *dates of attack* not having been discovered.

* An infant, and the seventh case in the same household.

[Two Maps.]

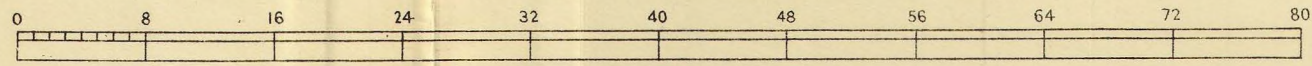
Sydney: Charles Potter, Government Printer.—1890.

A
MAP
showing part of the Boroughs of
WAVERLEY & RANDWICK

To accompany a Report by Dr Ashburton Thompson
on Typhoid Fever

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

SCALE OF CHAINS



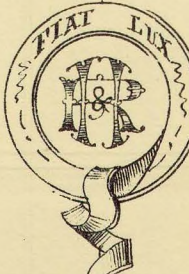
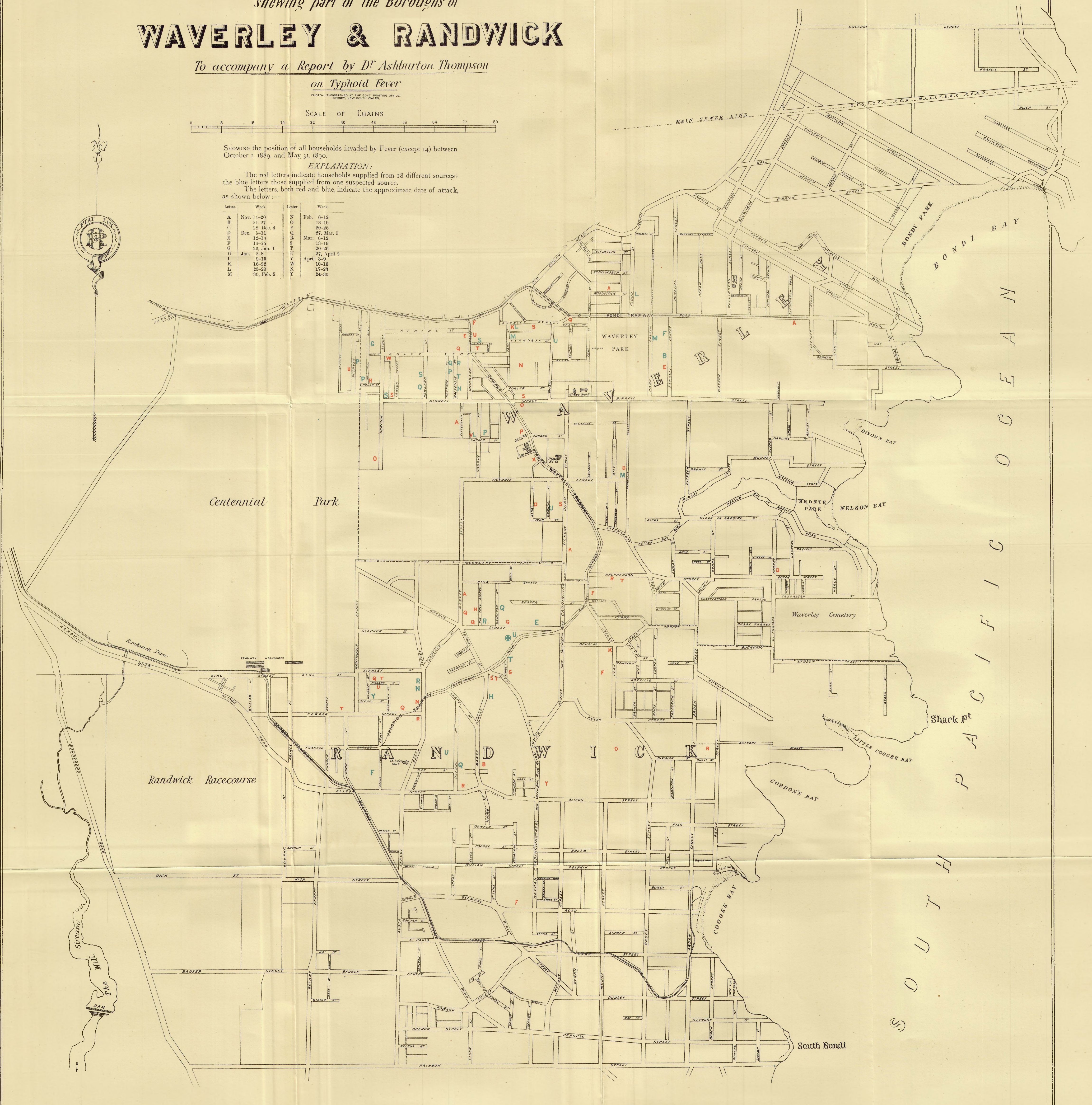
Showing the position of all households invaded by Fever (except 14) between October 1, 1889, and May 31, 1890.

EXPLANATION:

The red letters indicate households supplied from 18 different sources; the blue letters those supplied from one suspected source.

The letters, both red and blue, indicate the approximate date of attack, as shown below:—

Letter.	Week.	Letter.	Week.
A	Nov. 11-20	N	Feb. 6-12
B	21-27	O	13-19
C	28, Dec. 4	P	20-26
D	5-11	Q	27, Mar. 5
E	12-18	R	6-12
F	19-25	S	13-19
G	26, Jan. 1	T	20-26
H	2-8	U	27, April 2
I	9-15	V	April 3-9
J	16-22	W	10-16
K	23-29	X	17-23
L	30, Feb. 6	Y	24-30



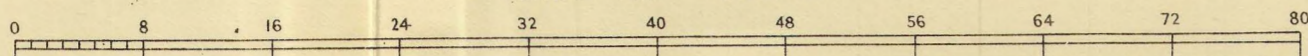
B
MAP

showing part of the Boroughs of
WAVERLEY & RANDWICK

To accompany a Report by D^r Ashburton Thompson
on Typhoid Fever

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

SCALE OF CHAINS



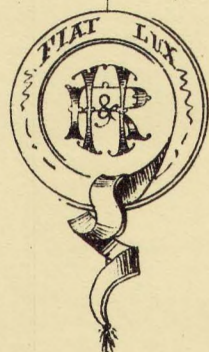
Showing the approximate position of John F.'s customers within these districts, and the position of those of them whose households were invaded by Typhoid Fever between 1 October, 1889, and 31 May, 1890.

EXPLANATION:

- = Customers not attacked.
- ⊙ = Customers attacked (first cases only).

Note 1—Households are shown here whose address and dealings with John F. are known, but who had moved before inquiry began, and who could not be traced; their dates of attack being, therefore, undiscovered they do not appear in Map A.

2. Households which had occasional dealings with John F. within a short (incubation) period before attack do not appear in this Map.



1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

TYPHOID FEVER IN SYDNEY AND SUBURBS.

(FROM 1876 TO 1889.)

Ordered by the Legislative Assembly to be printed, 7 May, 1890.

The Secretary to the Board of Health to The Principal Under Secretary.

Sir, Board of Health Office, 127 Macquarie-street, Sydney, 13 March, 1890.

I have the honor, by direction of the Board of Health, to forward you the enclosed paper on the prevalence and mortality of Typhoid Fever in the City of Sydney and Suburbs during last fourteen years, which has been prepared from the records in this Office for the information of the Colonial Secretary.

I have, &c.,

EDMUND SAGER,
Secretary

[Enclosure.]

TYPHOID Fever in the City of Sydney and its Suburbs from 1876 to 1889.

THE accompanying tables, which have been carefully prepared for the information of the Colonial Secretary, contain certain interesting facts with reference to the prevalence and mortality of typhoid fever in the city of Sydney and suburbs during the last fourteen years, and are a continuation of returns previously furnished, completed to the 31st December last.

In table I a statement is given of the number of deaths in each month of the ten years ending 31st December, 1885, together with the ratio calculated per 100,000 of the population, as estimated on the 30th June in each year. From this it will be seen that during the decennial period there was a very large increase in the mortality from this disease, viz., from 46·67 per 100,000 in 1876 to 102·17 in 1885.

Table II gives a similar statement for 1886, 1887, 1888, and 1889. From this it will be seen that the mortality from typhoid fever has of late undergone considerable diminution; thus in 1886 the rate per 100,000 was 90·90; in 1887 it was 58·11; in 1888 it was 51·42; and in 1889 it was 55·77.

Table III, which contains a return of the number of cases of typhoid fever admitted to the metropolitan hospitals of Sydney, and of the number of deaths which have occurred in these institutions during 1886, 1887, 1888, and 1889. From this it appears that there were 814 cases admitted, with 123 deaths; in 1887 there were 598 cases with 81 deaths; in 1888 there were 648 cases with 82 deaths; and in 1889 there were 851 cases with 88 deaths; the death rates being 15·72, 13·54, 12·65, and 10·34 per cent. on cases admitted during each year respectively. From these figures it will be noted with much satisfaction that the death rates have been progressively diminishing for the past four years, and that, although the number of cases admitted in 1889 is greater by 203 than that of cases admitted in 1888, the number of deaths is almost the same. Experience has shown that the chances of recovering from typhoid fever are very much increased if the patients are placed under suitable treatment in the earlier stages of the disease.

Table IV shows the number of persons suffering from typhoid fever who were admitted to the metropolitan hospitals during the twelve months ending December 31st, 1889, arranged according to the localities from which they were removed, together with a calculation of the ratio of cases per each 10,000 of the population.

Table V shows the deaths which took place in the hospitals among the cases mentioned in the previous table; in this it has not been deemed necessary to calculate the ratio per 10,000.

From the two latter returns it appears that the West Central District (comprising Newtown, St. Peters, Camperdown, and Macdonaldtown), and the East Central District (comprising Redfern, Waterloo, Alexandria, Botany, and Darlington), have again supplied by far the largest proportion of typhoid fever patients to the hospitals. From the West Central District came 114 cases, giving a ratio of 33·59 per 10,000 of the population, the municipality of Newtown furnishing no less than 57 of the cases; and from the East Central District 127 cases were removed, giving a ratio of 30·90 per 10,000 of the population. From the borough of Redfern alone 46 cases were removed.

It would have been more satisfactory if a return could have been given of the cases of typhoid fever actually occurring in the city and suburbs during the period in question; but, owing to the absence of any provision for the notification and registration of infectious disease, no data exist on which such a return could be founded.

In submitting returns for previous years, the Board pointed out that typhoid fever is essentially a preventable disease, and makes its ravages chiefly among the younger and more vigorous members of the community. By well-concerted sanitary measures the prevalence of the disease can be very greatly reduced, and much sickness and death may be spared to the community. The necessity for a Public Health Act is, in the opinion of the Board, more and more urgent.

By order,

EDMUND SAGER,

Secretary to the Board of Health.

Sydney, 12 March, 1890.

APPENDIX.

TABLE I.

Typhoid Fever—1876 to 1885.

RETURN showing the number of deaths from Typhoid Fever in the City of Sydney and its Suburbs for each month of the years 1876 to 1885—giving the death-rate per 100,000 for each month.

Year.....	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885	
Estimated population on the 30th June of each year	167,141	174,249	182,889	192,829	213,316	227,653	237,908	250,808	267,194	282,845	
January	{ No. of deaths Rate per 100,000	4 2.39	6 3.44	14 7.65	5 2.59	11 5.15	9 3.95	10 4.20	10 3.99	22 8.23	22 7.78
February	{ No. of deaths Rate per 100,000	5 2.99	8 4.59	11 6.01	15 7.78	7 3.28	15 6.59	19 7.98	17 6.78	19 7.11	31 10.95
March	{ No. of deaths Rate per 100,000	16 9.57	12 6.88	19 10.38	16 8.30	5 2.34	14 6.15	13 5.46	10 3.99	33 12.35	34 12.02
April	{ No. of deaths Rate per 100,000	12 7.18	16 9.18	20 10.93	18 9.33	10 4.63	8 3.51	19 7.98	18 7.18	33 12.35	33 11.66
May	{ No. of deaths Rate per 100,000	9 5.33	14 8.03	26 14.21	14 7.26	8 3.75	11 4.83	32 13.45	34 13.55	22 8.23	34 12.02
June	{ No. of deaths Rate per 100,000	11 6.59	20 11.47	12 6.56	13 6.74	8 3.75	9 3.95	23 9.67	21 8.37	18 6.74	31 10.95
July	{ No. of deaths Rate per 100,000	3 1.80	6 3.44	18 9.84	9 4.67	6 2.11	2 0.88	17 7.15	11 4.38	8 3.00	20 7.07
August	{ No. of deaths Rate per 100,000	4 2.39	2 1.15	13 7.10	3 1.56	8 3.75	10 4.39	10 4.20	3 1.19	4 1.50	14 4.95
September	{ No. of deaths Rate per 100,000	1 0.60	1 0.57	9 4.92	6 3.11	8 3.75	5 2.19	8 3.36	5 2.00	12 4.50	12 4.24
October	{ No. of deaths Rate per 100,000	3 1.80	4 2.29	7 3.83	2 1.08	4 1.87	7 3.07	9 3.78	10 3.99	10 3.74	17 6.01
November	{ No. of deaths Rate per 100,000	4 2.39	3 1.72	6 3.28	5 2.59	11 5.15	1 0.44	5 2.10	11 4.38	12 4.50	15 5.30
December	{ No. of deaths Rate per 100,000	5 2.99	11 6.31	11 6.01	9 4.67	7 3.28	4 1.76	10 4.20	16 6.38	21 7.85	26 9.19
TOTAL	{ No. of deaths Rate per 100,000	77 46.07	103 59.11	166 90.76	115 59.63	93 43.60	95 41.74	175 73.55	166 66.18	214 80.09	289 102.17

TABLE II.

Typhoid Fever—1886 to 1889.

RETURN showing the number of deaths from Typhoid Fever in the City of Sydney and its Suburbs for each month of the years 1886 to 1889—giving the death-rate per 100,000 for each month.

Year	1886.	1887.	1888.	1889.	Year.....	1886.	1887.	1888.	1889.	
Estimated population on the 30th June of each year	323,180	340,702	357,856	374,755	Estimated population on the 30th June of each year	323,180	340,702	357,856	374,755	
January ... { No. of deaths ... Rate per 100,000	33 10.21	24 7.05	14 3.91	21 5.60	August ... { No. of deaths ... Rate per 100,000	8 2.47	6 1.76	9 2.51	2 .54	
February... { No. of deaths ... Rate per 100,000	44 13.61	24 7.05	24 6.71	21 5.60	September { No. of deaths ... Rate per 100,000	5 1.54	8 2.35	7 1.96	5 1.33	
March	{ No. of deaths ... Rate per 100,000	41 12.68	39 11.44	21 5.87	31 8.27	October... { No. of deaths ... Rate per 100,000	6 1.85	10 2.94	3 0.84	7 1.87
April	{ No. of deaths ... Rate per 100,000	41 12.68	17 4.99	28 7.82	36 9.61	November { No. of deaths ... Rate per 100,000	7 2.16	11 3.23	7 1.96	6 1.60
May	{ No. of deaths ... Rate per 100,000	42 12.99	26 7.63	21 5.87	20 5.34	December { No. of deaths ... Rate per 100,000	25 7.73	14 4.10	26 7.26	21 5.60
June	{ No. of deaths ... Rate per 100,000	23 7.11	12 3.52	15 4.19	23 6.14	TOTAL... { No. of deaths ... Rate per 100,000	294 90.90	198 58.11	184 51.42	209 55.77
July	{ No. of deaths ... Rate per 100,000	19 5.87	7 2.05	9 2.51	16 4.27					

TABLE III.
Typhoid Fever—1886 to 1888.

RETURN of Patients suffering from Typhoid Fever, admitted to the Metropolitan Hospitals of Sydney during the years 1886, 1887, and 1888, showing the deaths occurring in, and the number of cases admitted to, each Institution during each month.

1886.

1886.	Coast		Prince Alfred.		Sydney		St. Vincent's		Children's		Total	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	48	6	20	9	16	2	9	4	2	...	95	21
February	60	9	16	2	10	6	8	...	3	...	97	17
March	47	7	31	3	9	3	12	..	5	1	104	14
April	80	10	23	3	13	2	15	4	7	...	138	19
May	61	8	22	3	13	2	7	3	5	...	108	16
June	31	5	19	3	13	1	3	..	1	..	67	9
July	14	5	10	2	2	2	3	...	2	..	31	9
August	1	..	7	2	1	..	2	..	1	..	12	2
September	10	...	9	2	7	2	3	...	1	..	30	4
October	6	2	6	..	7	1	2	...	2	..	23	3
November	13	1	12	1	10	2	11	..	1	...	47	4
December	29	3	22	4	7	1	4	2	...	...	62	10
Total for the year	400	56	197	34	103	24	79	13	30	1	814	123
Death rate on cases admitted	14.00%		17.26%		22.22%		16.45%		3.33%		15.72%	

1887.

1887.	Coast.		Prince Alfred		Sydney.		St. Vincent's		Children's		Total	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	50	6	25	1	8	2	8	4	...	...	91	13
February	42	8	22	6	5	1	15	...	2	...	87	15
March	48	6	17	5	18	2	8	4	6	...	97	17
April	54	6	17	1	18	2	8	...	7	..	104	9
May	37	2	9	1	3	2	6	..	2	1	57	6
June	11	...	7	1	3	...	..	..	2	...	23	1
July	6	1	9	1	..	...	...	...	..	...	15	2
August	3	..	8	..	6	1	1	...	...	...	18	1
September	5	1	6	2	4	...	...	...	...	...	15	3
October	11	3	17	2	3	1	6	...	...	...	37	6
November	7	2	9	3	1	1	3	1	..	...	20	7
December	12	1	15	...	3	...	3	..	1	...	34	1
Total for the year	286	36	161	23	72	12	59	9	20	1	598	81
Death rate on cases admitted	12.59%		14.28%		16.66%		15.25%		5.00%		13.54%	

1888.

1888.	Coast.		Prince Alfred		Sydney.		St. Vincent's		Children's		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	32	1	22	3	7	1	7	1	..	...	68	6
February	30	1	20	5	16	5	17	2	1	..	84	13
March	44	2	23	2	12	..	12	..	5	..	96	4
April	34	1	22	3	18	6	22	1	4	..	100	11
May	24	2	30	6	11	3	9	3	5	1	79	15
June	18	2	15	6	6	1	7	..	...	...	46	9
July	5	..	8	2	3	...	4	..	..	...	20	2
August	2	..	4	...	2	..	3	..	2	..	13	...
September	5	...	1	...	1	2	..	...	...	1	7	3
October	6	1	2	..	3	..	...	...	..	...	11	1
November	14	...	16	1	6	..	5	1	2	..	43	2
December	27	3	32	12	12	1	7	..	3	..	81	15
Total for the year	241	13	195	40	97	19	93	8	22	2	648	82
Death rate on cases admitted	5.39%		20.51%		19.58%		8.60%		9.00%		12.65%	

1889.

Months.	Coast.		Prince Alfred		Sydney		St Vincent's		Children's.		Total.	
	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.	Admissions.	Deaths.
January	31	2	30	3	10	2	22	1	5	..	98	8
February	43	2	21	3	12	2	17	2	6	1	99	10
March	41	2	40	8	14	2	17	2	4	1	116	15
April	65	4	37	3	17	5	18	1	2	..	139	13
May	33	4	20	3	19	3	4	..	2	..	78	10
June	41	5	19	5	9	1	15	..	5	..	89	11
July	22	2	5	1	5	2	4	..	..	..	36	5
August	7	..	2	1	5	1	3	..	1	..	18	2
September	4	..	2	..	3	2	2	..	1	..	12	2
October	4	..	8	..	3	..	5	..	..	..	20	..
November	8	..	12	..	4	2	10	..	1	..	35	2
December	44	3	36	4	10	2	19	1	2	..	111	10
Total for the year	343	24	232	31	111	24	136	7	29	2	851	88
Death rate on cases admitted	7 00%		13 36%		21 62%		5 15%		6 90%		10 34%	

NOTE — Experience having proved that the journey to the Coast Hospital is very injurious to Typhoid Fever patients in the advanced stage of the disease, the majority of these are sent to the City Hospitals.

TABLE IV.

RETURN showing the number of persons suffering from Typhoid Fever, who were removed to the Metropolitan Hospitals for treatment, from each district of the metropolis, during the year 1889.

Districts	Estimated population, 30 June, 1889	Coast Hospital	Prince Alfred Hospital	Sydney Hospital	Saint Vincent's Hospital	Children's Hospital	Total	Total of District	Cases per 10,000 of population
SYDNEY	128,158	84	34	56	64	7	245	245	19 12
SUBURBS—									
North- Western.	58,240	17	5	3	2	2	29	91	15 62
Balmain		6	20	..	1	..	27		
Leichhardt		12	14	2	2	5	35		
West Central.	33,935	19	31	1	3	3	57	114	33 59
Newtown		7	6	1	1	..	15		
St. Peters		3	17	1	2	1	24		
Camperdown		14	2	..	1	1	18		
East Central.	41,104	24	12	2	3	5	46	127	30 90
Redfern		1	..	..	3	..	4
Darlington		15	2	1	4	1	23		
Waterloo		18	6	3	3	..	30		
Alexandra		12	..	..	..	..	12
Botany	11	..	..	1	..	12	
Eastern.	38,400	7	5	4	8	..	24	90	23 43
Paddington		3	..	1	8	..	12		
Randwick		10	5	2	12	1	30		
Waverley		14	3	3	4	..	24		
Western and Southern	54,630	1	3	1	5	73	13 36
Ashfield		3	3	..	1	..	7		
Burwood .....		..	1	..	..	..	1
Canterbury .....		..	1	..	..	..	1
Concord .....		..	1	..	..	..	1
Enfield .....		..	1	..	..	..	1
Hurstville		1	..	1	..	..	2
Kogarah		17	14	1	1	2	35		
Marrickville		3	11	..	3	..	17		
Petersham .....		..	1	1	..	..	2
Rockdale .....	..	1	..	..	..	1	
Strathfield	11	2	5	2	..	20	52	25 63	
North Shore.	20,288	15	1	3	1	..			20
East St. Leonards ..		3			3
St. Leonards		1			1
North Willoughby ..		1	1	1	2	..			4
Victoria .....		..	1	3	..	..	4
Manly .....	..	1	..	..	..	1	
Gordon and Lane Cove	..	1	..	..	..	1	
Contracted at Hospital	3	1	1	5	5	
SHIPPING	1	1	9	11	11	
Totals	374,755	335	207	106	132	28	808*	808	21 56

* The remaining 43 cases were either admitted from districts outside the Metropolitan Division, or had no fixed abode

TABLE V.

RETURN showing the number of persons suffering from Typhoid Fever who were removed to the Metropolitan Hospitals from each district of the Metropolis, and whose cases terminated fatally, during the year 1889.

Districts	Coast Hospital	Prince Alfred Hospital	Sydney Hospital	St. Vincent's Hospital	Children's Hospital	Total.	Total of District.
SYDNEY	4	6	13	5	.....	28	28
SUBURBS—							
North- Western	{ Balmain	1	.....	1	.....	2	} 9
	{ Leichhardt .....	.....	2	.....	.....	2	
	{ Glebe	2	.....	.....	.....	5	
West Central.	{ Newtown	3	6	.....	.....	10	} 14
	{ St. Peter's .....	.....	.....	.....	1	1	
	{ Camperdown .....	.....	1	.....	.....	2	
	{ Macdonaldtown	1	.....	.....	.....	1	1
East Central.	{ Redfern .....	.....	1	.....	.....	1	} 5
	{ Waterloo	1	.....	.....	.....	1	
	{ Alexandria	1	1	.....	1	3	
Eastern.	{ Paddington	1	.....	2	.....	3	} 9
	{ Randwick	2	.....	.....	.....	2	
	{ Woollahra	3	1	.....	.....	4	
Western and Southern.	{ Ashfield .....	.....	1	.....	.....	1	} 5
	{ Burwood .....	.....	1	.....	.....	1	
	{ Marrickville .....	.....	1	.....	.....	1	
	{ Petersham .....	.....	1	.....	.....	1	
	{ Strathfield .....	.....	1	.....	.....	1	1
North Shore.	{ East St. Leonards	1	.....	2	.....	3	} 9
	{ St. Leonards	2	.....	.....	.....	2	
	{ North Willoughby	2	.....	.....	.....	2	
	{ Gordon and Lane Cove .....	.....	1	1	.....	2	
CONTRACTED AT HOSPITAL .....	.....	.....	1	.....	.....	1	1
SHIPPING .....	.....	.....	1	.....	.....	1	1
TOTALS	24	27	22	7	1	81	81*

* The seven other deaths were cases that came from districts outside the Metropolitan Division.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

LEPROSY IN THE AUSTRALASIAN COLONIES.
(REPORT ON.)

Ordered by the Legislative Assembly to be printed, 7 May, 1890.

The Secretary to the Board of Health to The Principal Under Secretary.

Sir, Board of Health Office, 127 Macquarie-street, Sydney, 20 March, 1890.

I have the honor, by direction of the Board of Health, to forward herewith, for the information of the Colonial Secretary, a statement respecting the prevalence of leprosy in the Australasian Colonies, prepared from information supplied by the Boards of Health and other authorities in the various Colonies.

In forwarding this information, the Board would again point out the advisability of causing the Leper Bill, which was recently drafted and submitted, to be introduced to Parliament as soon as possible.

I have, &c.,

EDMUND SAGER,

Secretary.

[Enclosure.]

Leprosy in the Australasian Colonies.

THE following information has been obtained from the Boards of Health, and other authorities, as to the prevalence of Leprosy in Australasia.

The total number of lepers under official cognisance at the close of 1889 was 30, and the following return shows the number in each colony and the nationality :—

Colony.	Number.	Nationality.							
		New South Wales.	China.	Java.	Fiji.	New Hebrides.	Solomon Islands.	Malacca.	Strait Settlements
New South Wales.....	12	2	9	1	...	...	...	...	...
Victoria	4	...	4	...	...	...	...	...	...
South Australia	2	...	2	...	...	...	...	...	...
Queensland	6	...	4	...	...	...	...	1	1
Tasmania .....	...	...	...	...	...	...	...	...	...
West Australia	1	...	1	...	...	...	...	...	...
New Zealand.....	...	...	...	...	...	...	...	...	...
Fiji.....	5	...	...	...	2	2	1	...	...
Total	30	2	20	1	2	2	1	1	1

The tuberculated or nodulated, and the anæsthetic or macular forms of Leprosy are represented in about equal proportions. Besides the persons under direct enumeration it would appear that in some of the colonies there are others of whom no account is taken. In a report from the Chief Medical Officer of Fiji it is stated that, in addition to the five under Government care, "there are cases—almost all of the macular or anæsthetic type—among the aboriginal race of Fiji, who are to a limited extent segregated by the order of the native district chiefs," and the Under Secretary of the Colonial Secretary's Office, New Zealand, in reporting that there are no hospitals for the special treatment of leprosy patients, and no lepers under treatment in any hospital, states that "the disease is not absolutely unknown in New Zealand." There is indeed reason to believe that it exists in several districts among the native race, the sufferers being kept somewhat apart from their fellows within the boundaries of the native pahs.

In Tasmania alone does the disease appear to be unknown, the Secretary of the Central Board of Health reporting that "no case has been known, though inquiry has been made at all the centres of Chinese population on the Island." It is also stated that there is a comparatively large Chinese population, and incoming Chinese are all examined under the Chinese Immigration Act.

In

In New South Wales the patients are kept in a separate portion of the grounds of the Coast Hospital, which is 10 miles from Sydney, and receives infectious diseases, as scarlet-fever, diphtheria, measles, erysipelas, &c., as well as typhoid fever and general hospital cases.

In Victoria they are detained in weatherboard huts in a separate enclosure within the limits of the general Quarantine Station at Point Nepean, but in a secluded situation.

In Queensland the leper station is on Dayman Island, near Thursday Island.

In South Australia the disease is confined to the northern territory, and the patients occupy bark huts isolated on the proclaimed leper station at Middle Point, and

In Western Australia the single patient is kept in a hut erected for his accommodation outside the Quarantine Ground at Woodman's Point, a neck of land projecting into the sea, about 6 miles from Fremantle.

In New South Wales, New Zealand, Queensland, and Fiji there are no laws or regulations in force dealing with lepers. In the first-named colony the want of some legal enactment for the segregation and care of these cases has been greatly felt, and a Bill has been drafted under the direction of the Board of Health. In Fiji the question is under consideration, but it is "not intended to submit any measure to the Council until the inspection of lepers, and investigation of the subject as it affects the colony at present being carried out by the Chief Medical Officer's Department, is completed."

In South Australia steps are taken for the segregation of the cases under the provision of the Public Health Act; and "should any case occur in Tasmania it would be dealt with under the Public Health Acts of 1885 and 1887."

In Western Australia the sole patient is now isolated "under regulations made pursuant to an order of the Governor in Council, dated August 12th, 1889, under the provisions of the Public Health Act."

In Victoria, leprosy is specially dealt with under section 8 of the Public Health Law Amendment Act of 1888, and the patients are sent to the Quarantine Station, or other appointed place, by order of the Board of Health, on the certificate of the Health Officer of the Board, and two legally-qualified medical practitioners. In the report of the Board of Health for the years 1888-9 a full description is given of the four cases under care. Three of these have been in the Colony for periods of eighteen, twenty, and thirty years respectively, and the disease has existed for sixteen years in the first, nearly twenty years in the second, and twenty-two or twenty-three years in the third, of these cases. The fourth patient has only been in the Colony three years, and the disease made its appearance soon after his arrival.

Of the cases under care in New South Wales two were admitted in 1883, one in 1885, three in 1886, one in 1887, four in 1888, and two in 1889, and of the Asiatics, the majority developed the disease in periods varying from six months to four years after arriving in the Colony. In one case, however, six years, in another, seven years, and in a third, ten years elapsed between the time of arrival and the appearance of leprosy.

It will be seen that, with the exception of two cases in N.S.W., all the sufferers belong to dark-skinned races—Chinese, Javanese, or South Sea Islanders.

The occurrence of the disease in persons of European extraction is a matter of very considerable interest, especially in view of the fact that, in addition to the two cases now under care, a case of death from leprosy in a man of European parentage was reported to the Board by the City Coroner during the year 1889. In this case the death was certified as due to leprosy by two medical practitioners, one of whom saw the patient repeatedly during life, and there appeared no doubt as to the accuracy of the diagnosis. The individual had never been separated from his family, or specially isolated with them, and there is reason to believe that there are several other cases in the Colony not in any way isolated, and under no official cognizance or care.

Particulars of the two cases in persons of European extraction, taken at the date of the cases being reported to the Board of Health, are given in the Appendix to this Report, from which it will be seen:—

- 1st. That the patients are natives of New South Wales, and have never been out of the Colony.
- 2nd. That they are both sons of persons of British extraction, who were either born in, or have spent all their lives in, the Colony.
- 3rd. That they are members of large families, none of the others of whom are affected with leprosy, and that there is no evidence of the disease being hereditary.
- 4th. That they have always been in a position to obtain a full and varied dietary.
- 5th. That the disease existed in one case for eight years, and in the other for four years, before report was made to the Board of Health, and the patients isolated.
- 6th. That in both cases there has been communication with the Chinese, and though there is no satisfactory evidence that this communication was other than of a very casual character, there is some reason to believe that in one of the cases it was of an intimate nature.

APPENDIX.

F.G. is 27 years old, and was born at Penrith; his father and mother being natives of the Colony, of British extraction. He has always lived in New South Wales; was weakly during infancy, but has had no important illnesses since. He lived with his parents at Penrith, Goulburn, and Bathurst until he was 11 years old; the family then came to Sydney, and he has lived there with his mother ever since. His mother is in good health; she has, besides F., three other sons and two daughters, who are said to have good health. His father died aged 42; he had had good health previously, and his illness did not last very long. On leaving school F.G. spent one year in the service of a cordial-maker; he then helped his mother, who kept a restaurant, his duty being to buy vegetables in the markets, frequently from Chinamen, and he did this for another year or more. Being about 17 he became a carter, drawing building materials; and after a little he began to learn plastering. After some months of this work, during which his chief business had been to beat up bullock's hair and mortar with a trowel, and being between 19 and 20, he found the trowel had broken the skin over the outer side of the right fore-finger; and with this sore his present illness seems to have begun. The finger swelled, and has never recovered its natural size or appearance; and, according to his brother's account, anæsthesia of the hands and feet was among the earliest symptoms, it being observed that he sometimes burnt or injured himself

himself without being aware of it. Three or four years later he had an attack which is described as erysipelas and rheumatic fever, and from this the general swelling and distortion of his hands and feet date. Two years later still he began to get a disease of the eyes which has produced opacities of the cornea, and adhesions of the iris, and has rendered his sight very imperfect. Lastly, a few months ago, he tried to cut his throat, but his mother and brother saw no reason at the time to suppose him insane. He now seems to have a fair amount of strength. His hands and feet are much distorted, and some of his fingers have lost the terminal phalanges by absorption, the skin of the face and ears is thickened and roughened, and in all those situations there is very imperfect sensation—so that on being pricked with a needle he only felt that he was being touched. The patient's family have always been in comfortable circumstances.

H.B., aged 17.

His descent is as follows:—

Mother and father Irish.		Mother and father English.
Father born Penrith, New South Wales. Always lived in New South Wales.	=	Mother born at sea before arrival in Australia. Lived always in New South Wales.
H.B., æt. 17 (and nine other children in good health), born and lived always on the Meroo.		

Until 13 years of age he was well, strong, intelligent, and active. The fingers of the left hand then began to contract, and the muscles of the fore-arm wasted somewhat, so that a doctor supposed he had injured the limb, and that it was wasting from disuse. Next, blebs appeared on the fingers, and loss of sensation to a small extent was observed. At about 15 years of age discoloured spots of reddish-brown colour appeared on the trunk, and later on the extremities; under some treatment these disappeared or nearly disappeared a few months later, but they reappeared of a pure brown colour without the reddening. The right hand and foot in the meantime had become contracted and swollen, and lastly, about the age of 16, his face began to get discoloured, to swell, and to be disfigured.

On examination:—

The face (being the mask alone) is disfigured by an irregular swelling or infiltration, which is rather hard; a few distinct tubercles are to be seen; in colour it is uniformly reddened, but more deeply in places, so that it looks patchy; the nose is broadened and thickened, the eyelids thickened, the eyebrows thickened and prominent; the ears have the lobe slightly thickened, but not hardened, but the tragus is both thickened and hardened, and proportionately more deformed.

Eyesight unaffected.

Hands.—The fingers on both sides are contracted moderately and thickened; there is swelling, or thickening at, and immediately above, both wrists.

Feet.—Right foot is generally thickened and deformed, but the toes are scarcely contracted; it is discoloured (reddish or purplish); a blister appeared on the sole about a year ago, which broke, healed, appeared again and healed, and at last left an ulcer, which is now present. Left foot, discolouration only.

Trunk and Limbs.—These show very numerous patches of discolouration of irregular shape, which are of a quite clear brown, of the same shade as the back of a sunburnt hand; there is no reddening of these patches as usually seen. They are anæsthetic, but the patient (as usual) denied this until he was shown that he could not distinguish between a touch with the head of a pin and a prick with the point, and that he could not feel the former at all.

The boy's father, formerly a publican, is now a selector and labourer, living on the Meroo (Mudgee), and has always been in fairly comfortable circumstances. This is an old gold-field, and there have always been Chinese there within his recollection; but communication of this family with them has always been strictly limited to purchases of tea and sugar, and occasionally such articles as boots, at a store kept by some of them. Those who keep the store are said to have been there very long and to be well. All other conditions seem to have been those usual in the bush.

By order of the Board of Health,
EDMUND SAGER,
Secretary.

Sydney, 19th March, 1890.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

LEPROSY BILL.
(MESSAGE No. 42—RECOMMENDING.)

Ordered by the Legislative Assembly to be printed, 10 September, 1890.

CARRINGTON,
Governor.

Message No. 42.

In accordance with the provisions contained in the 54th clause of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with a Bill to provide for the notification of cases of Leprosy, for the detention and isolation of Lepers, the appointment of Lazarets, and for other purposes.

Government House,
Sydney, 10th September, 1890.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DAIRIES SUPERVISION ACT.

(ADMINISTRATION OF, DURING YEARS 1887-8-9.)

Ordered by the Legislative Assembly to be printed, 2 July, 1890.

The Secretary to the Board of Health to The Principal Under Secretary.

Sir,

Board of Health Office, 127, Macquarie-street, Sydney, 17 June, 1890.

I have the honor, by direction of the Board of Health, to forward herewith, for the information of the Colonial Secretary, a report on the administration of the Dairies Supervision Act for the years 1887, 1888, and 1889.

I have, &c.,

EDMUND SAGER,

Secretary.

[Enclosure.]

THE Dairies Supervision Act, 50 Victoria No. 17, which was the outcome of a report made by the Board of Health on an outbreak of typhoid fever at Leichhardt, caused by polluted milk, received the assent of His Excellency the Governor on the 30th of September, 1886, and immediately came into force in the Metropolitan Police District; three months, however, being allowed for persons engaged in the sale or supply of milk to become registered. The Act did not therefore come into full operation until the 1st of January, 1887.

During the year 1887 the Act was extended to the Borough of Hunter's Hill and the Municipal District of Penrith. In the year 1888 it was extended to the Municipal District of Hamilton, the Borough of West Maitland, the Municipal Districts of Adamstown and Wickham, the Borough of Narrandera, the County of Argyle, the City of Newcastle, the Counties of Northumberland, Durham, Gloucester, and Camden, and those portions of the County of Cumberland in which it was not already in force.

In 1889 it was extended to the Municipal Districts of Balranald and Broken Hill.

The portions of the Colony to which the Act has been extended, and a list of the local authorities charged with the administration thereof, in accordance with the second section, will be found in Appendix A.

Prior to the passing of the Dairies Supervision Act, all business requiring ministerial sanction was referred by the Board of Health to the Colonial Treasurer, the Board being a department under the Treasury. As, however, in accordance with the provisions of the Act, it was necessary for the Board to be in frequent communication with various municipalities, the official business relating to which is under the ministerial control of the Colonial Secretary, representations on the subject were made to the Colonial Treasurer, who, on the 12th October, 1886, approved of the Board being "permitted to correspond direct with the Colonial Secretary's Department on all matters other than those appertaining to the quarantine laws of the Colony."

The Act was passed for the purpose of establishing sanitary regulations in respect to the production and distribution of milk, and chiefly to provide against the spread of infectious disease by means of the milk supply. Its administration was placed in the hands of certain authorities named in the Act, under the supervision of the Board of Health, which was empowered by the 14th section to carry out its provisions in default of action by the local authorities. The first step taken under the Act was the proclamation under section 12, of the following as infectious diseases, for the purpose of the Act:—

A.—In human beings :

Cholera,
Enteric Fever,
Small Pox,
Scarlet Fever,
Diphtheria,
Measles,
Syphilis.

B.—In animals :

Aphthæ,
Cancer,
Pleuro Pneumonia,
Splenic Fever,
Tuberculosis,
Udder—inflammations, eruptions,
or warts of.

No alteration has since been made in these lists,

*124—A

Regulations,

Regulations, including forms of application for registration and of registration as required by the 15th section of the Act, were approved by the Governor in Council, under date November 18, 1887; and on the 2nd of November of the same year the form of annual report by the local authorities, under sub-section 5 of section 3 of the Act, was approved. [See *Appendix B.*]

From personal observation during inspections made by the officers of the Board and from inquiries made of the Board by the officers of the local councils, it was apparent that the local authorities charged with the administration of the Act were neither fully acquainted with its provisions nor with the regulations made under it, and on 1st October, 1889, the Board drafted and issued printed suggestions [*Appendix C*] for the guidance of local authorities, to which were appended copies of the Act and all regulations made under it.

In *Appendix D* will be found an abstract of reports on registered premises in the Metropolitan District for the year ending December 31st, 1889, showing the steps taken by the Board to enforce the provisions of the Act. It will be seen that thirty-seven districts were visited, and in these 534 dairies and 200 milk-vendors' premises were inspected. In addition to these inspections, reinspections were made in a number of cases, and special visits were paid to individual dairies, to ascertain if the directions of the Board had been carried out by the local authorities, and to inquire into cases of disease reported on dairy premises.

In the country, all the districts coming under the provisions of the Act were inspected by officers of the Board except Balranald, Broken Hill, Narrandera, Gosford, Muswellbrook, Singleton, South Singleton, and Windsor.

In *Appendix E* will be found a summary of the annual reports, from local authorities charged with the administration of the Act for the year 1889, required by sub-section 5 of section 3 of the Act.

It will be seen that most of the local authorities report that the Act has been fully administered, and that all except Parramatta, Liverpool, Mittagong, Moss Vale, Broughton Vale, Broughton Creek, Gerringong, Kiama, and Penrith, report that some action under its provisions has been taken.

The authorities in the large Municipal districts along the Southern Coast—including Wollongong, Shellharbour, Kiama, Central and North Illawarra, Gerringong, and Broughton Vale, to which the Act was extended in October, 1888, and from which very large supplies of milk are forwarded for use in Sydney and its suburbs—objected to the provisions of the Act being applied in their districts on the grounds that it was not intended for country districts where the cows were all grass fed, but they appear to have ignored the fact that typhoid fever and other infectious diseases communicable through the medium of milk are not by any means unknown in the Southern district, and are as likely to occur in isolated homesteads occupied by milk producers as elsewhere,* and that the dairy cattle of this district, whilst not exempt from any of the diseases in animals declared infectious by proclamation under the Act, are specially subject to "coast cough," which in most cases, if not in all, arises from tuberculosis.

The main objection on the part of the Municipal Councils to putting into operation the provisions of the Act in this district would appear to lie in the expense which must necessarily be incurred in securing proper inspection and supervision, whilst no provision is made under the Act for charging fees for registration by which these expenses could be partly or perhaps wholly met.

The municipal authorities have in a number of cases carried out the registration and inspection of dairies under the Act with vigour and discretion, and have shown themselves willing to adopt the recommendations of the Board; but in certain districts the administration has been very perfunctory and unsatisfactory, and in others it has only been after repeated remonstrances on the part of the Board that any action under its provisions has been taken.

In the following municipal districts it was found necessary to cite the authorities under the 14th section of the Act, which gives the Board power to carry out its provisions in default of action by the local authorities, and in each instance the local authority has ultimately undertaken to administer the Act:—

1. Five Dock.
2. Randwick.
3. Wollongong.
4. Central Illawarra.

In Parramatta, where the condition of the dairies was found by the officers of the Board in the highest degree faulty, no action was taken until the beginning of the year 1890, and the Board only delayed exercising the powers conferred on them by the Act on the assurance that the Mayor, newly elected, would take steps to carry out its provisions.

In districts where officers of police are charged as local authorities with the administration of the Act its provisions have, as a rule, been strictly enforced, and the dairies have, on inspection, been found in a cleaner and more orderly condition than in the majority of the districts under municipal government.

As a very large part of the milk consumed in Sydney and its suburbs is supplied by large milk vending companies, the Board considered it advisable that these establishments should be specially visited and reported on. The Chief Medical Inspector, on October 4, 1889, visited the stores of the Fresh Food and Ice Company, the N.S.W. Co-operative Ice and Cold Storage Company, and the Farmers' and Dairymen's Milk Supply Company. The arrangements at the latter establishment were then, to some extent, incomplete, but were otherwise found to be satisfactory. In the case of the other two companies, the premises and adjuncts were open to grave objection, both as to construction and administration. Various alterations were suggested to render the sanitary condition of matters more complete, and to obviate the danger of infection. In the case of the Fresh Food and Ice Company, the directors at once took steps to carry out the suggestions made by the Board, and on a subsequent visit of inspection, paid on November 6, the majority of these had been carried out, and others were either in progress or were about to be undertaken. In the case of the N.S.W. Ice and Cold Storage Company a serious accident at the works delayed progress with certain alterations proposed, but the directors expressed themselves as wishful to carry out these alterations as soon as possible.

The twenty-five dairies situated within the boundaries of the City of Sydney were inspected in February, 1889, by the Chief Medical Inspector, and, on the whole, were not found in so cleanly or so creditable a condition as is desirable.

The

* An outbreak of typhoid fever occurred at Albion Park in March, 1889.

The importance of the purity of the water supply in dairy premises can scarcely be over-estimated but has heretofore been little appreciated by the officers charged under local authorities with the inspection of dairies; it being in many instances deemed sufficient if the supply was ample and free from such obvious contamination as could be detected by taste and smell.

In a number of instances which have come under the notice of the Board, water was obtained from underground wells, and other sources liable to pollution, although the Sydney supply was available, and in some instances, although the latter supply was laid on to the premises, underground wells and tanks were still resorted to for dairy purposes.

In twenty-five cases in which analysis has been made of the water supply on dairy premises by the Government Analyst, during the year 1889, this was found so far polluted as to be unfit for domestic purposes, and the local authorities were informed accordingly, and advised that the wells or tanks should be immediately closed under the provisions of the Act.

In the future it is the intention of the Board to direct the examination of all water on dairy premises from other sources than the Sydney supply, and to insist on all wells and tanks found to contain water unfit for domestic purposes being closed.

The Board, feeling that the local authorities, do not attach sufficient importance to the evils arising from diseases in dairy cattle, have instructed their officers, whilst inspecting dairy premises, to very carefully examine into the condition of the cattle supplying milk, and to report every instance in which they are found to be suffering from a disease proclaimed under the Act, and with a view of assisting the local authorities a circular letter was issued by the Board on the 7th of May, 1889, informing them that a competent veterinary surgeon would be despatched to inspect any animal reported as diseased or apparently unhealthy without expense to the local authority. The very great importance of excluding from dairies every animal suffering from tuberculosis in any form will be better appreciated when it is known (1) that the tubercle bacillus can be detected not only in the lactiferous products of animals in whose udders tubercular lesions exist, but also in that product, in a very large proportion of cases, where the gland, to all appearance, is perfectly healthy, and the disease exists only in other organs,—and (2) that there is great danger attending the consumption of milk from tuberculous animals in whatever condition they may be, and whether or not the disease is localised only.

Having in view that the products of milk—cream, butter, and butter milk, from tuberculous animals have been shown, by Professor Bang, of Copenhagen, and other authorities, to be as infective as the milk itself, and that other diseases are undoubtedly communicable by means of these articles, it became a question how far the provisions of the Act applied to vendors of ice-cream which is largely composed of milk, and to dairymen who produced milk for the manufacture of butter and cheese. The Attorney-General, on cases being submitted to him, gave opinions:—

1st. That the article sold as ice-cream is not milk within the meaning of the Act.—19/4/88.

2nd. That a dairyman who provides milk for the manufacture of butter and cheese, and who does not engage in the sale or supply to other persons of milk in any district, need not be registered under the Act.—7/12/88.

The latter opinion not only exempted dairymen producing milk for the manufacture of butter and cheese, but practically all butter and cheese factories from registration and inspection under the provisions of the Act.

The attention of the Board, however, was called to the insanitary conditions surrounding some of the butter factories, and to the nuisance caused by pollution of the water supply in a creek at Barrengarry, and on the occasion of a visit of the Chief Medical Inspector to the Coast District an opportunity was taken of inspecting most of the butter factories in that district.

The factories which have been inspected are as follows:—Barrengarry, Cobbitty, Berry, Unanderra, Dapto, Albion Park, Dunmore, Omega, and Gerringong.

The inspection disclosed the fact that, whilst some of these, and notably the factory at Gerringong, were conducted in a cleanly and highly creditable manner, and under arrangements which were very satisfactory from a sanitary point of view, others were so managed as to cause nuisances dangerous to public health in their neighbourhood, and in a manner which rendered the butter produced highly likely to be a cause of disease.

In one—happily exceptional—case the butter-milk from the factory was run into pig sties, the drainage from these found its way into a creek, and from this creek below the pollution the water was taken for all the operations, including the manufacture of butter, within the factory building, so completing the uncleanly circle.

The Board deemed it advisable to address letters to the directors of all the factories which were in an unsatisfactory condition, pointing out the defects in the sanitary arrangements at, and protesting against evident nuisances in connection with these establishments, and received from most assurances that steps would be taken to remedy the evils pointed out. From late reports, however, it appears that very little has been done, and the Board has little expectation of any real improvement until these establishments are placed under official inspection.

The administration of the Act during a period of three years has made it evident to the Board that the following amendments in its provisions are necessary:—

1st. Registration should be annual, a certificate of registration should be issued and the local authorities should be empowered to charge an annual fee. The opinions of the Attorney-General, dated 5th May, 1888, and 22nd June, 1888, show that annual registration and fees cannot be insisted on under the Act, as it at present stands, or any regulations made thereunder.

2nd. The officers of the Board should have similar powers of entry and inspection to those now possessed by the local authorities under the Act.

3rd. The Act should be extended so as to include the "products of milk" and milk produced for making butter and cheese—and should provide for the registration and inspection of all butter and cheese factories.

Several of the local authorities and notably the Municipal Council of Newcastle, as also the Sydney and Suburban Dairymen's Society, have pointed out the necessity for annual registration and the advisability of charging either a fixed fee or fees on a graduated scale according to the number of cows kept. The objections raised by certain municipalities to carrying out the Act would be at once met in this way—the grievance being the want of funds for its proper administration.

Further

Further amendments have been suggested in the direction of preventing the adulteration of milk ; but as this is only one of many articles of food subject to adulteration the Board is of opinion that the question of adulteration would be better dealt with either by a special Adulteration Act, or by clauses dealing with the subject of the adulteration of food generally in a comprehensive Health Act.

In the meantime the Board has procured from America samples of lactometers, which have been placed in the Government Analytic Laboratory as standard instruments, and a report on the use of these instruments by the Government Analyst will be found in Appendix F.

The Board does not deem it necessary to enter into details with regard to the condition in which the dairy premises have been found on inspection, but consider it only right to state that a number on the first visit of the Board's officers were in an appallingly filthy condition, the cows being kept and the milk stored under circumstances and with surroundings which set at defiance every sanitary law. Under the operations of the Act, the condition of the dairies, in the Metropolitan districts, has shown a satisfactory improvement, and a number of the producers who have failed to comply with its provisions have either been struck off the Register or have voluntarily ceased to keep cows.

On the whole the Act has worked satisfactorily, and under its provisions there has been a marked improvement in dairy premises and milk stores, both as regards order and cleanliness. There can be no question as to its public utility. It has tended largely to increase the purity of the supply, and to prevent disease, and the production and distribution of milk are now carried out in the districts in which the Act is in full operation under sanitary conditions which did not previously obtain.

By order of the Board of Health,
EDMUND SAGER,
Secretary.

Sydney, 17 June, 1890.

APPENDIX A.

THE Dairies Supervision Act came into operation in the Metropolitan Police District on the passing thereof, viz., 30th September, 1886 ; and was extended to the following portions of this Colony by proclamation in accordance with the First Section, as follows :—

Portions of the Colony.*	Date of Act coming into operation.
The Borough of Hunter's Hill	1 August, 1887
„ Municipal District of Penrith	1 November, 1887
„ „ „ Hamilton	1 January, 1888
„ „ „ West Maitland	1 January, 1888
„ Municipal District of Adamstown... ..	1 March, 1888
„ „ „ Wickham	1 March, 1888
„ Borough of Narrandera	2 April, 1888
„ County of Argyle	1 August, 1888
„ City of Newcastle	1 September, 1888
„ Counties of Northumberland, Durham, Gloucester, Camden, and those portions of the County of Cumberland in which the Act is not already in force	1 October, 1888
„ Municipal District of Balranald	1 July, 1889
„ „ „ Broken Hill	1 August, 1889

LIST of Local Authorities charged with the Administration of the Act, in accordance with the Second Section :—

Name of Local Authority.	Date of Act coming into operation.
(1) The Municipal Council of Sydney	
(2) The Municipal Council of Alexandria	
„ „ „ Ashfield	
„ „ „ Balmain... ..	
„ „ „ Botany	
„ „ „ Burwood	
„ „ „ Camperdown	
„ „ „ Canterbury	
„ „ „ Concord... ..	
„ „ „ Darlington	
„ „ „ East St. Leonards	
„ „ „ Enfield	
„ „ „ Five Dock	
„ „ „ Glebe	
„ „ „ Hurstville	
„ „ „ Kogarah	
„ „ „ Leichhardt	
„ „ „ Macdonaldtown	
„ „ „ Manly	
„ „ „ Marrickville	
„ „ „ Newtown	
„ „ „ North Botany	
„ „ „ North Willoughby	
„ „ „ Paddington	
„ „ „ Petersham	
„ „ „ Randwick	
„ „ „ Redfern... ..	
„ „ „ Rockdale	
„ „ „ Strathfield	
„ „ „ St. Leonards	
„ „ „ St. Peters	
„ „ „ Victoria... ..	
„ „ „ Waterloo	
„ „ „ Waverley	
„ „ „ Woollahra	
„ „ „ Hunter's Hill	1 August, 1887.
„ „ „ Penrith	1 November, 1887.

On the 30th Sept., 1886, when the Act was assented to.

* With the exception of districts included in Proclamation of 1 October, 1888, the Act was extended at request of respective local authorities.

APPENDIX A.

Application for Registration as

To the Local Authority for

I desire to be registered, in accordance with the particulars in the Schedule hereunder.

SCHEDULE.

Name or names in full of persons carrying on business	
Trade in respect of which registration is desired—Dairyman, milk-vendor, or both	
State locality within the jurisdiction of the Local Authority at which such trade, or any part of it, is to be carried on, with description and area of all paddocks, land, and enclosures occupied or used, or intended to be used, by the applicant.....	

And I hereby declare that the cattle belonging to me are in good health; that the grazing ground in my occupation is not, in regard to water supply or otherwise, in a condition likely to be prejudicial to the wholesomeness of milk; that every house, dairy, and cowshed in my occupation is in good condition in regard to lighting, ventilation, paving, cleanliness, drainage, and water supply; that every place for keeping the milk is clean, well ventilated, and properly supplied with vessels.

Signed,
Address,
Date,

APPENDIX B.

PARTICULARS OF REGISTRATION UNDER 50 VIC. No 17.

Registered by the Local Authority under section 3 of the Act; the Municipal Council for the District of

Date of Application.	Date of Primary Inspection before Registration.	Date of Registration.	Dates and Details of subsequent Inspections, of appearance of Infectious Diseases, and of Cancellation of Registration, &c., &c. (if any).
Name (in full)			
Whether registered as dairyman or milkvendor			
Address			
Situation of dairy			
Situation of milk store			
Area of land (approximately)			
Number of cows milked			
Number and description of other stock (if any)			
Nature of Water Supply.....			
Condition of premises as to— (1.) Cleanliness			
(2.) Lighting			
(3.) Ventilation.....			
(4.) Drainage.....			
(5.) Lavatory accommodation			
(6.) Privy			
Number of Persons employed.....	Number of Carts or other Vehicles used		
Situation and size of room or rooms used for milk store, and for what other purpose used (if any).....			

Date of cancellation of Registration (if any)—

Signature of officer granting Registration.

APPENDIX B2.

REGULATION UNDER "DAIRIES SUPERVISION ACT."

WHEREAS the "Dairies Supervision Act," section 3, subsection 5, enacts that it shall be the duty of every local authority to furnish in the month of January of each year to the Board of Health, a report of their or his proceedings under this Act during the preceding twelve months, in such form as may be prescribed by any regulation for the time being in force under this Act, it is hereby directed that the form of such report shall be the form set forth in the annexed Schedule.

SCHEDULE.

SCHEDULE.

DAIRIES.

1. Number registered	
2. Condition of premises, specifying any in which the requirements of the Act have not been complied with (if any)	
3. How often has each dairy been inspected during the previous twelve months?	
4. Number of wells closed in accordance with section 4, subsection 3, of the Act	
5. Number refused registration	
6. Number of registrations cancelled	
7. State if any prosecutions have been taken under the Act, and give particulars of such cases.....	
8. Special observations	

MILK VENDORS.

1. Number registered	
2. Condition of premises, specifying any in which the requirements of the Act have not been complied with (if any)	
3. How often has each milk store been inspected during the last twelve months	
4. Number refused registration	
5. Number of registrations cancelled	
6. State if any prosecutions have been taken under the Act, and give particulars of such cases.....	
7. Special observations	

APPENDIX D.

SUGGESTIONS for the guidance of Local Authorities charged with the administration of the Dairies Supervision Act, 50 Victoria No. 17.

On the Act being extended to any district, three months' grace is allowed before its provisions come into full operation. (*Vide* sections 5 and 6.) During this time the Local Authority should take the initiatory action to carry out the provisions of the Act.

The Local Authority should, on the Act being extended, and at least once every year, cause a notice to be inserted in the local press, drawing the attention of persons engaged in the milk trade to the requirements of the Act.

Should the Local Authority be a Municipal Council, its first duty will be to appoint an officer to inspect and report on the premises of all persons applying for registration.

All persons required to be registered should at once make application to the Local Authority in the form given in Appendix "a" to the Act. (*Vide* Regulation No. 1.) On the receipt of this application, the Local Authority or its officer should make a careful examination of the premises, and should they be found in a sanitary condition or otherwise in accordance with the provisions of the Act, the name of the applicant should be duly registered, and particulars entered in the Register, which must in every case be signed by the Local Authority granting registration, but in all cases in which the provisions of the Act are not complied with registration should be refused.

Before any person can be considered as registered, the particulars of registration must be duly signed in the Register by the Local Authority. In case where the Local Authority is a Municipal Council, the Register should be signed by the Mayor or the Council Clerk.

A record of the particulars of all premises which are refused registration should be carefully kept. In the case of Municipal Districts all refusals should be by the express resolution of the Council (section 4, sub-section iv).

All registered dairy premises and milk stores, and the cattle, appliances, and utensils used for the production or distribution of milk, shall be inspected by the Local Authority *at least once in every three months*, and the date and result of every such inspection shall be entered in the Register. (*Vide* Regulation 37, section 3, sub-section iv.)

Should the premises be found in any respect to be in an insanitary condition, the dairyman or milkvendor should be required to make the necessary improvements within a fixed time, failing which the registration should be cancelled, (Section 4, sub-sections ii and iv.)

The names and addresses of all persons who shall have retired from the business, or become disqualified, should be struck off the Register, and the date of such cancellation should be duly noted thereon. (Section 3, sub-section ii.)

STATUTORY NOTICES.

All persons registered must affix and maintain upon their premises and vehicles the words "Registered Dairyman" or "Registered Milkvendor," as the case may be. Any person infringing this provision is liable to a penalty of £20. (Sections 5 and 11.)

a. The notice on the premises should be placed in some conspicuous place, and should be in capital letters, not less than two inches in length.

b. The notice on carts and other vehicles should be in capital letters, not less than one inch in length, on the side or tail-board of every cart or vehicle.

SANITARY CONDITION OF PREMISES.

The following suggestions are made under this head. The Local Authorities must, however, use their own discretion and judgment in dealing with each case:—

(1.) *General Cleanliness.*

The cow-yards, bails, mangers, and fittings should be kept thoroughly clean, and the inner walls of all buildings limewashed once in every three months at least. Where the paddocks in which cows are allowed to run are of small size, the manure should be collected, and the paddocks kept clean and free from refuse, &c

(2.)

(2.) *Lighting and Ventilation.*

Cowsheds should be welllighted and ventilated.

(3.) *Drainage.*

Yards and cowsheds should have a hard surface properly graded to a sufficient gutter and drain. A proper place or bin of brick or other material should be provided for all dung and litter. In places where there is a sewerage system the drains should be connected with the sewers, and in other places the drainage should be conveyed by gullies to a suitable pit.

(4.) *Lavatory Accommodation.*

Means should be provided for thoroughly cleansing the hands of persons employed as milkers, and also for cleansing the udders of the cows, if necessary; and provision should be made on the premises for a supply of *hot water* for cleansing the utensils and appliances.

(5.) *Privy Accommodation.*

a. All premises registered under this Act should be provided with a water-closet or with a pan-closet, as the case may allow. No cesspit should be allowed to remain on such premises.

b. The contents of pan-closets should be removed from registered premises by the Local Authority at least once a week. But if it be necessary to allow such emptying to be done by the owner, then a suitable place of deposit should be defined by the Local Authority, and the occupier should there bury the said contents.

(6.) *Water Supply.*

Whenever there is a town water-supply accessible, its use should be insisted on, unless the supply is satisfactory, and in the absence of this service the water supply should be carefully examined as to its purity and freedom from pollution by drainage, &c. No premises should be registered unless there is an ample supply of water available, and no water should be used upon registered premises which is drawn from any outside source, nor should the cattle be allowed to have access to any water except that upon the registered premises. In all cases in which the water supply is of doubtful purity it should be analyzed, and directions for collection will be found in Appendix B.

(7.) *Milk-store or Room.*

A room of sufficient size, according to the quantity of milk produced, and the manner in which it is dealt with, should be provided and set apart for straining and storing the milk, and for keeping the appliances, vessels, and utensils used. This room should be well lighted and ventilated, should not be in direct communication with any living or sleeping room, or under the same roof with the cow sheds, stable, or fodder store, and should not be used for keeping forage, clothing, or other stores in, or for any other purpose.

This room should not have within it any sink or drain communicating directly with a sewer; but all waste and drain-pipes from such room should discharge in the open air over gullies connected with the drain or sewer.

(8.) *Appliances and Utensils.*

a. All appliances and utensils used in the collection, straining, cooling, storage, or distribution of milk, should be scalded every time after use, and should be kept clean and bright at all times. All such vessels should be kept in the milk-room, except when in actual use, for collection or distribution of milk.

b. All vehicles, measures, cans, &c., used for the distribution of milk, should be thoroughly cleansed after each delivery. The cans and measures should, immediately on return from delivery, be placed in the milk-room after being scalded.

Any dairy establishments which do not fulfil the above requirements should be considered to be in an insanitary condition, and registration should be refused or cancelled in accordance with section 4, sub-section IV.

UNREGISTERED PERSONS SELLING MILK.

The Local Authority should, from time to time, ascertain if any person not registered under the Act is selling milk (section 11). All persons so trading are liable to a penalty of £20 (section 11). Information should be immediately laid in accordance with section 13.

INFECTIOUS DISEASES IN HUMAN BEINGS.

Special attention is drawn to section 7 and regulation 4. Should any medical practitioner, householder, or occupier fail to report a case of infectious disease on any dairyman's or milkvendor's premises, in accordance with section 7, they are liable to a penalty of £20 (section 11), and information should be immediately laid in accordance with section 13.

The following have been declared to be infectious diseases:—

a. In Human Beings.

Cholera.
Enteric fever (*Typhoid*).
Small-pox.
Scarlet fever.
Diphtheria.
Measles.
Syphilis.

b. In Animals.

Aphthæ.
Cancer.
Pleuro-pneumonia.
Splenic fever.
Tuberculosis.
Udder—inflammations, eruptions, or warts
of.

Attention is also drawn to section 9, in which it is provided that persons suffering from, or having been exposed to infectious diseases, are not to assist in any dairyman's or milkvendor's business.

No dairyman or milkvendor should allow any person suffering from an infectious disease, or who has been recently exposed to any infectious disease, to take part in any dairy operations, or assist in the sale, storage, production, or distribution of milk (section 9); and any person infringing the requirements of this section is liable to a penalty of £20 (section 11).

SALE OR SUPPLY OF UNWHOLESOME MILK.

Any person (1) who keeps or deposits milk in any room used for sleeping or dwelling in, or in any other way or place calculated to render such milk unwholesome or injurious to health; or (2) who sells or supplies milk produced from any diseased animal, or which has been exposed to infection from any person suffering from any infectious disease, is liable to a penalty of £20 (*vide* sections 10 and 11), and the attention of Inspectors under the Act should be specially directed to these provisions.

REGISTRATION OF MILK VENDORS ONLY.

a. When the premises of any person required to be registered as a milkvendor only are situated within the district of another Local Authority, it is not necessary that such premises should be inspected, but it should be ascertained from the outside Local Authority whether such premises are duly registered, and, if so, particulars of the entry should be obtained, and entered with the name of the milkvendor on the register.

b. When the premises of the milk-vendor are situated within the district, a careful inspection of them should be made before registration is granted. Special care should be taken to see that proper accommodation is provided for keeping and storing the milk and all utensils or appliances used, either in a special room or in a safe or cupboard, according to the quantity sold.

Issued by order of the Board of Health,

EDMUND SAGER,
Secretary.

Sydney, 1st October, 1889.

APPENDIX D.

DAIRIES SUPERVISION ACT, 1889.

ABSTRACT of Reports on the Registered Premises in the Metropolitan District, together with Hunter's Hill, Ryde, and Dundas, for the year ending 31st December, 1889. Showing the steps taken by the Board of Health to enforce the provisions of the Act.

Name of District	No of Licensed Premises		Date of Inspection	Condition of Premises	Steps taken by the Board to enforce the provisions of the Act, and date of communication to Local Authority		Reply from Local Authority (if any)		Re inspection		Further action taken by the Board	
	Dairies	Milk Stores.			Date	Nature of communication	Date	Nature of Reply	Date.	Condition of Premises	Date	Further communication with Local Authority
Alexandra	26	4	13/8/89	Four dairies unsatisfactory	6/9/89	Copy of report sent to Local Authority calling attention to the necessity of providing suitable milk rooms, having city water laid on at all licensed premises where the supply is insufficient or unsatisfactory, recommending that cesspits be abolished, and that Mr Mullhaens license be cancelled		No reply	25/10/89	All satisfactory but Mr Mullhaens	8/11/89	Copy of report sent to Local Authority recommending that Mullhaens license be immediately cancelled License since cancelled
Ashfield	19	9	29/8/89	Several premises in an unsatisfactory condition	6/9/89	Copy of report with letter sent to Local Authority directing attention to the specific recommendations contained in the report		"	4/11/89	Three dairies still unsatisfactory	8/11/89	Copy of report and letter sent to council drawing attention to the fact that the previous recommendations of the Department had not been carried out in full. Improvements since carried out
Ba'man	35	20	6/5/89	Five of the premises unsatisfactory. Arrangements for storing milk unsatisfactory.	23/5/89	Copy of report with letter sent to Local Authority drawing attention to the unsatisfactory condition of the premises occupied by five dairymen, also to the unsatisfactory method of storing milk on vendors premises		"	21/10/89	Found all the premises satisfactory	26/10/89	Copy of report sent to Local Authority
Bolany* . . . . .	.	.	.	.	.	.	.	.	.	.	.	.
Burwood	8	1	3/9/89	Three premises unsatisfactory	6/9/89	Copy of report with letter sent to Local Authority, drawing attention to the condition of unsatisfactory premises		No reply	7/11/89	Found all satisfactory	11/11/89	" " "
Camperdown	9	2	29/7/89	All satisfactory but one	3/8/89	Copy of report with letter sent to Local Authority recommending that O'Neill's license be cancelled		Receipt acknowledged, stating that O'Neill's license had been cancelled	22/10/89	Found O'Neill's license had been cancelled	24/10/89	" " "
Canterbury	10	.	10/9/89	All satisfactory but one	13/9/89	Letter, with copy of report, sent to Local Authority, suggesting that the recommendations mentioned in the report be carried out		"	.	.	.	.
City	25	480	4/2/89	Several premises in very unsatisfactory condition	19/2/89	Letter, with copy of report, sent to Local Authority drawing attention of Council to the great desirability of causing the provisions of the Act to be carried out in their entirety	19/2/89	Acknowledged	.	.	.	.
Concord	5	.	5/9/89	All satisfactory but one	13/9/89	Letter, with copy of report, sent to Local Authority, suggesting that the recommendations contained in the report be carried out		No reply	7/11/89	Found all fairly satisfactory.	11/11/89	" " "
Darlington	2	5	31/7/89	All satisfactory but one milk store	16/5/89	Letter with copy of report sent to Local Authority recommending that the improvements at one store be carried out		"	1/11/89	Found the improvements recommended carried out.	8/11/89	" " "
Dundas (a)	5	.	9/12/89	One unsatisfactory, four samples of water obtained from licensed premises.	19/12/89	Letter with copy of report and report of analysis sent to Local Authority, recommending that one well be filled up, and that the waters of Cliff Bridge Creek be not used for domestic purposes		"	.	.	.	.
Enfield	11	.	19/9/89	All fairly satisfactory. Certain improvements required at one or two of the premises	26/9/89	Letter, with copy of report, sent to Local Authority suggesting that the improvements mentioned in the report be carried out		"	.	.	.	.
Five Dock	10	..	9/9/89	Several unsatisfactory	13/9/89	Letter and copy of report sent to Local Authority drawing attention to the condition of unsatisfactory premises, and recommending that immediate improvements be made, or the license cancelled		"	16/11/89	Found all satisfactory but one	26/11/89	Copy of report sent to Local Authority, drawing attention to the condition of unsatisfactory premises, and also to the report of analysis of water from one dairy
Glebe	14	9	17/5/89	All clean and fairly satisfactory	1/6/89	Copy of report sent to Local Authority		"	..	..	..	..

* Not inspected in 1889, last inspection late in 1888. Condition of premises very satisfactory

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Name of District.	No. of Licensed Premises.		Date of Inspection	Condition of Premises.	Steps taken by the Board to enforce the provisions of the Act, and date of communication to Local Authority.		Reply from Local Authority (if any).		Re-inspection.		Further action taken by the Board.	
	Dairies.	Milk Stores.			Date.	Nature of communication.	Date.	Nature of Reply.	Date.	Condition of Premises.	Date.	Further communication with Local Authority.
Gordon (b).....	6	....	23/4/89	Fairly clean, but buildings and improvements generally defective.	.....	.....	.....	.....	.....	.....	.....	.....
Hunter's Hill (a)....	13	1	23/10/89	Several unsatisfactory, and not having the statutory notices on their premises.	9/11/89	Letter, with copy of Report, sent to Local Authority drawing attention to the absence of statutory notices, the want of milk-rooms at two dairies, and recommending that the license of one dairyman be cancelled.	.....	No reply	3/12/89	Three premises still in an unsatisfactory condition.	6/12/89	Copy of Report sent to Local Authority drawing attention to the unsatisfactory premises.
Hurstville	10	....	15/10/89	All satisfactory but two	19/10/89	Letter, with copy of Report, sent to Local Authority recommending that M'Farlane's license be cancelled.	.....	„ .....	12/12/89	All satisfactory but one.	19/12/89	Copy of Report sent to Local Authority recommending that M'Farlane's license be cancelled.
Kogarah	13	....	9/10/89	All clean and fairly satisfactory ..	18/10/89	Copy of Report, with letter sent to Local Authority, complimenting the Council on the efficient manner in which the Act is administered in the district.	.....	„ .....	.....	None.....	.....	None.
Leichhardt	36	....	4/6/89	Several in an unsatisfactory condition.	29/6/89	Letter, with copy of Report sent to Local authority, recommending that the licenses of three persons should be cancelled.	.....	„ .....	22/10/89	Found all satisfactory but one.	26/10/89	Copy of Report sent to Local Authority, recommending that the license be cancelled unless improvements are made. (Improvements since carried out.)
Macdonaldtown	12	2	15/7/89	Several in a very unsatisfactory condition.	17/7/89	Letter, with copy of Report sent to Local Authority, stating that the Board regrets to observe that the Report contrasts very unfavourably with those on other Municipalities; that the Inspector will visit again in a month, when it is hoped that the condition of matters will be much improved.	.....	„ .....	16/8/89	Found all premises fairly satisfactory.	6/9/89	Copy of Report sent to Local Authority, stating that the Board is glad to see by the Report that the condition of the dairies is much improved.
Manly	3	4	29/4/89	All clean and satisfactory	3/5/89	Copy of report sent to Local Authority with letter expressing satisfaction at the manner the Act is administered in the district.	.....	„ .....	.....	None.....	.....	None.
Marrickville	55	....	21/6/89	Several in a very unsatisfactory condition.	6/7/89	Copy of report, with letter, sent to Local Authority, pointing out the unsatisfactory condition of several premises, the necessity for city water being laid on at all dairy premises, and separate milk-room being provided solely for the storage of milk and utensils.	16/7/89	Receiptacknowledged, and stating that the report had been referred to the Inspector.	24/8/89	Found three dairies still unsatisfactory.	8/11/89	Copy of report sent to Local Authority recommending that one license be cancelled, and the other suggestions in the report carried out.
Newtown	8	20	2/7/89	All clean and satisfactory	11/7/89	Copy of report and letter sent to the Local Authority congratulating the Council on the manner in which the Act is administered in the district.	.....	No reply .....	.....	None .....	.....	None.
North Botany*.....	....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
North Willoughby ..	26	....	8/4/89	All fairly satisfactory but one	18/4/89	Copy of report sent to Local Authority, with letter, drawing attention to the condition of unsatisfactory premises.	.....	No reply	18/10/89	Found all fairly satisfactory.	24/10/89	Copy of report sent to Local Authority.
Paddington	11	30	24/9/89	Several very unsatisfactory. Two dairies in a bad situation.	4/10/89	Letter, with copy of report, sent to Local Authority, stating that the Act appears to be carried out in the Paddington district in an unsatisfactory manner, and trusts that it may be more stringently administered in the future; and that it will not be necessary for the Board to exercise the powers conferred upon it by the 14th section.	.....	„ .....	2/12/89	Attention drawn to the unfavourable situation of two dairies. All others fairly satisfactory.	6/12/89	Copy of report, and letter, sent to Local Authority, urging the necessity of covering the sewer in the neighbourhood of two dairies.
Petersham.....	14	1	27/8/89	One dairy unsatisfactory, also water supply on one dairy premises.	6/9/87	Letter, with copy of report, sent to Local Authority, drawing special attention to the open drain running through dairy premises.	.....	„ .....	30/10/89	Found city water laid on at dairy complained of, and drain fenced off. One dairy still unsatisfactory.	8/11/89	Copy of report sent to Local Authority, drawing special attention to the condition of unsatisfactory premises.
Pitt Water (b)	3	....	29/4/89	Clean and satisfactory .....	.....	.....	.....	.....	.....	.....	.....	.....

* Not inspected in 1889; last inspection late in 1888. Condition of premises satisfactory.

Name of District.	No. of Licensed Premises.		Date of Inspection	Condition of Premises.	Steps taken by the Board to enforce the provisions of the Act, and date of communication to Local Authority.		Reply from Local Authority (if any).		Re-inspection.		Further action taken by the Board.	
	Dairies.	Milk Stores.			Date.	Nature of communication.	Date.	Nature of Reply.	Date.	Condition of Premises.	Date.	Further communication with Local Authority.
Randwick	15	1	8/10/89	Three dairies in an unsatisfactory condition. One vendor not licensed.	18/9/88	Letter with copy of report sent to Local Authority drawing attention to the unsatisfactory condition of the dairies referred to in the report, and also to the case of person who appears to be vending milk without being licensed.	.....	No reply	20/11/89	Found all the premises fairly satisfactory. Milk vendor mentioned had obtained a license.	20/11/89	Copy of report sent to Local Authority.
Redfern	11	45	7/8/89	Unsatisfactory generally. Register badly kept.	15/8/89	Letter with copy of report sent to Local Authority inviting attention to the unsatisfactory way in which the register is kept, and to the lax supervision generally exercised over the dairies, pointing out the necessity for milk-rooms and other improvements, and stating that the district would be again inspected in a month's time.	.....	„ .....	17/10/89	Found all satisfactory but one dairy, kept by Mr. Dempsey.	28/10/89	Copy of report sent to Local Authority, recommending that Dempsey's license be cancelled unless improvements are made. (License since cancelled.)
Rockdale	16	....	10/10/89	Several very unsatisfactory. Register badly kept.	18/10/89	Letter with copy of report sent to Local Authority drawing attention to the very perfunctory manner in which the Act is administered, and urging that in the interest of the public health its provisions should be enforced in their entirety.	.....	„ .....	18/11/89	Found several premises still in an unsatisfactory condition.	26/11/89	Copy of report sent to Local Authority, informing the Council that it is imperative that the Act should be more stringently administered, and that the registrations of four dairymen be cancelled.
Ryde (a)	5	....	31/10/89	Three dairies in an unsatisfactory condition.	8/11/89	Letter with copy of report sent to Local Authority, drawing attention to the condition of the premises in unsatisfactory condition.	.....	„ .....	6/12/89	Found all satisfactory but one.	.....	Copy of report sent to Local Authority, urging on the Council the necessity of causing dairyman complained of to make the necessary improvements at his premises.
St. Leonards East ..	3	2	11/4/89	All satisfactory but one	18/4/89	Letter with copy of report sent to Local Authority, drawing attention to the condition of unsatisfactory premises.	3/5/89	Receipt acknowledged, stating that the matter would be attended to.	18/10/89	Found dairy in a satisfactory condition.	28/10/89	Copy of report sent to Local Authority.
St. Leonards	20	....	15/4/89	Several in an unsatisfactory condition. Register carelessly kept.	21/4/89	Letter and copy of report sent to Local Authority drawing attention to the careless manner in which the Act is administered, and urging the great necessity of carrying it out in its entirety.	.....	.....	18/10/89	Found all satisfactory but one.	26/10/89	Copy of report sent to Local Authority, recommending that one dairyman's license be cancelled. Two samples of water from this dairy analyzed and found impure.
St. Peters]	17	....	8/7/89	All fairly satisfactory but one	11/7/89	Letter with copy of report sent to Local Authority, drawing attention to unsatisfactory premises, and directing that license be cancelled.	.....	No reply	25/10/89	Found premises satisfactory.	8/11/89	Copy of report sent to Local Authority.
ictoria	3	....	5/4/89	All clean and satisfactory .....	.....	.....	.....	.....	.....	.....	.....	.....
Waterloo	23	10	21/8/89	Fairly clean and satisfactory; attention drawn to cattle having access to Shea's Creek; bad provision for storing milk on vendor's premises.	6/9/89	Letter, with copy of report, sent to Local Authority calling attention to the necessity of providing milk-rooms, laying on city water where supply is insufficient or unsatisfactory, recommending that cesspits be abolished, and directing attention to the open drain or creek referred to in the report. A sample of water was obtained from the creek, analysed, and found to be very bad.	.....	No reply .....	.....	.....	.....	.....
Waverley	26	11	12/9/89	Several unsatisfactory	20/9/89	Letter with copy of report sent to Local Authority, drawing attention to the condition of unsatisfactory premises.	.....	„ .....	15/11/89	Found all satisfactory but one.	26/11/89	Copy of report sent to Local Authority recommending that the registration of one dairyman should be cancelled. (Improvements since made.)
Woollahra	8	12	30/9/89	All clean and satisfactory but two..	4/10/89	Letter, with copy of report, sent to Local Authority, drawing attention to the condition of the unsatisfactory premises.	.....	„ .....	.....	.....	.....	.....

(a) Not in the Metropolitan District.

(b) Police District.

DIX E.

VISION ACT.

administration of the above Act for the year ending 31st day of December, 1889.

DAIRIES.									
Number.	Number registered during 1889.	Number registered and trading on 31st December, 1889.	Condition of premises, specifying any in which the requirements of the Act have not been complied with (if any).	How often has each dairy been inspected during the previous twelve months.	Number of wells closed in accordance with section 4, sub-section 3, of the Act.	Number refused registration during 1889.	Number of registrations cancelled during 1889.	State if any prosecutions have been taken under the Act, and give particulars of such cases.	Special observations.
1	.....	3	Very good; none	Every three months.	.....	.....	.....	.....	Two of the registered dairies are in other municipalities.
2	8	28	In fair condition; regulations fairly complied with.	Four times	.....	.....	8	.....	Fairly satisfactory.
3	4	20	Good; all have complied with the requirements of the Act	About four times.	1	.....	11	.....
4	4	24	Good with two exceptions, both cancelled; Act complied with in all cases.	About six times on an average	None; all have city water but three.	.....	16	.....	Of the existing dairies, 21 have city water, 2 have wells, and 1 has iron tanks. There have been 193 inspections in all during 1889.
5	9	9	All have complied with the Act.	Twice	No wells in the district	One, since granted.	.....	.....
6	69	52	2 very good, 54 good, 9 fair, 2 indifferent, 1 bad (written notice given to clean).	Four times.	Nil (water from springs and creeks very good)	Three on the ground of dirty premises.	One cancelled, fifteen discontinued.	Four—Two for selling without being licensed, one discontinuing without giving notice, and one having no notice on cart.	On the first inspection pig-tubs, salt beef, fresh beef, old clothes, groceries, &c., were found in the dairies, and milk kept in the living rooms. At many of the farms there were no closets, and a second and third visit was necessary before registration.
7	.....	4	All in a satisfactory condition.	Three times	.....	.....	.....	.....
8	8	7	According to the report of Dr. Thompson only that of Mr. Angus is near the mark.	" .....	.....	.....	1	.....	The above are registered as dairymen and milk vendors.
9	4	4	Good .....	" .....	.....	.....	.....	.....	Dairies not registered here till April, 1889; very little milk is sold. The residents are nearly all cattle owners.
10	15	15	All have complied with the requirements of the Act.	Five times..	.....	3	.....	.....	The Act only came into force on the 1st November, 1889. The work of fitting up in accordance with the regulations is still going on.
11	.....	.....	.....	.....	.....	.....	.....	.....	Producers of milk in this district sell to butter factories.
12	.....	.....	.....	.....	.....	.....	.....	.....
13	1	9	Fairly kept but no proper drainage.	Threetimes	.....	.....	.....	.....	My appointment dates from the 1st July, 1889, and as no proper register was kept by my predecessor, I can only state particulars for myself.
14	15	13	Clean and healthy	Four times	.....	.....	2	.....	Local authority writes stating that the Council has not yet taken over the duties under the Dairies Act, from the Police Officer.
15	.....	.....	.....	.....	.....	.....	.....	.....
16	.....	.....	.....	.....	.....	.....	.....	.....
17	27	27	In every instance clean, and free from unhealthy smells.	Twice, in some cases three times	.....	.....	9	.....	In every instance I found the milk vessels very clean, the water supply pure, and the cattle healthy looking.
18	3	8	.....	Four times	.....	.....	7	One—but withdrawn	
19	3	10	No milk-room at one, and insufficient drainage at another.	Seventimes	.....	.....	4	.....
20	.....	.....	.....	.....	.....	.....	.....	.....	No dairies in the municipality.
21	5	9	Good—except Bolton who has been cautioned.	Monthly ..	.....	.....	.....	.....
22	1	1	Very clean and healthy	Twice ....	.....	.....	.....	.....
23	45	45 nominally registered.	All inspected complied with the spirit of the Act.	Only about six dairies have been inspected, consequently only nominally registered.	.....	.....	.....	.....	The weather being bad impossible to inspect unless by special officer.
24	2	15	Generally clean and satisfactory.	Once and twice a month.	.....	2	2	Seven—for selling milk without being registered. Fined in all £34 and costs.	
25	..	1	.....	Six times..	.....	.....	1	.....
26	4	4	One—Mr. Gould's was dirty but now attended to.	1	.....	.....	.....	.....	Mr. James Bell was directed to close the well on his premises, and Mr. N. Thompson to discontinue using water from a certain creek.
27	1	1	Premises clean	Four times.	.....	.....	.....	.....	Milk distributed as taken from the cows.
28	..	..	.....	.....	.....	.....	.....	.....
29	..	3	Premises in good condition.	Once a month.	.....	.....	.....	.....
30	13	13	Clean. Several small improvements were made where directed.	Threetimes	.....	.....	.....	.....
31	5	14	Premises of H. Lynott were badly kept, but now in good order. All others clean.	Twice, monthly.	.....	.....	3	.....	The dairies in the municipality are fairly kept, and at present in a clean and satisfactory condition.
32	.....	.....	.....	.....	.....	.....	.....	.....	In the Gerringong Municipality the Act has not been put in force, as all the milk is converted into butter.
33	.....	11	None. Requirements of the Act complied with in all cases.	Once a week	.....	3	.....	.....	Dairies gradually dying out on account of having to keep premises clean, and being subject to inspection so often, also the price of milk.
34	4	10	Fair	Once every quarter.	.....	One, temporarily.	4	.....	All small dairies having but one or two cows.

MILK-VENDORS.									
Number.	Name of District or Local Authority.	Number registered during 1889.	Number registered and trading on 31st December, 1889.	Condition of premises, specifying any in which the requirements of the Act have not been complied with (if any).	How often has each milk-store been inspected during the previous twelve months.	Number refused registration during 1889.	Number of registrations cancelled during 1889.	State if any prosecutions have been taken under the Act, and give particulars of such cases.	Special observations.
35	Gosford	1	7	Good. No refusals to comply with the Act.	Twice officially.	.....	2	.....	The observations as to dairies applies also to the vendors of milk.
36	Goulburn (a)	1	1	Fair	Four times	1	.....	.....	.....
37	Goulburn	6	10	Clean and well kept....	Twelve times.	.....	.....	1	.....
38	Granville.....	..	..	.....	.....	.....	.....	.....	.....
39	Hamilton	6	17	Fair to good.	Three times	.....	6	.....	.....
40	Hunter's Hill.....	1	3	Satisfactory in all cases.	Four times on an average.	.....	.....	.....	.....
41	Hurstville .....	..	..	.....	.....	.....	.....	.....	.....
42	Kiama (a) .....	..	..	.....	.....	.....	.....	.....	.....
43	Kiama .....	..	..	.....	.....	.....	.....	.....	.....
44	Kogarah .....	..	..	.....	.....	.....	.....	.....	.....
45	Lambton	1	1	.....	.....	.....	.....	.....	.....
46	Leichhardt	8	14	Good. Many have refused to register sooner than comply with the Act.	Every five or six weeks.	About ten.	.....	.....	During 1888 I took a stand against all milk-vendors, and compelled them to provide a milk-room or an ice-chest to keep their milk in.
47	Liverpool (a) .....	..	..	.....	.....	.....	.....	.....	.....
48	Liverpool	7	7	Conditions complied with.	Ten times..	.....	7	.....	.....
49	Macdonaldtown.....	2	3	Satisfactory; all requirements have been attended to.	Five official visits and numerous inspections.	1	1	.....	Of the three registered two keep grocers shops, the other one is devoted to the sale of milk, butter, &c.
50	Maitland (a)	14	24	Fairly clean in all cases	Quarterly..	.....	.....	.....	One registration was temporarily cancelled, owing to the vendor's wife having typhoid-fever.
51	Manning River (a)	4	4	All clean and in good order.	Three times	.....	.....	.....	This district being an agricultural one, only a small trade is carried on by the milk vendors.
52	Manly	3	5	Good.....	Every month.	.....	.....	.....	.....
53	Marrickville	1	3	.....	Three times	.....	.....	.....	.....
54	Merewether	4	11	.....	Twice in six months.	1	5	.....	I observe that all seem to try and comply with the Act.
55	Mittagong .....	..	..	.....	.....	.....	.....	.....	.....
56	Morpeth .....	..	1	Good. Usual farm buildings.	At least once.	.....	.....	.....	.....
57	Moss Vale .....	..	..	.....	.....	.....	.....	.....	.....
58	Muswellbrook	9	9	Very good. Act complied with.	Three times	.....	.....	.....	Cattle in good condition. No well water used, river water only.
59	Narrandera.....	2	2	Good condition	Sixteen times.	.....	.....	.....	Milk vendors are in connection with dairies, see clause 8.
60	Newcastle (a).....	47	47	Several are in good order. All have been improved under the Act, and many are giving effect to suggested improvements.	Many three times, some twice, and a few once.	Four temporarily.	.....	.....	There are now sixty-nine registered premises in this district, a number too many to be looked after by the police, hence the necessity for a special appointment for the district.
61	Newcastle	10	48	.....	Four times	.....	.....	.....	Many milk vendors are in business as green-grocers, &c., and the milk is kept in the shops. I should like to be informed if the Act intends that milk-stores should be erected apart from such premises.
62	New Lambton	22	22	.....	Twice in 1890.	.....	.....	.....	Notice given to two persons to clean their premises. Was only appointed 16th January, 1890. No inspections made in 1889.
63	Newtown.....	25	28	In one case the back premises were in a filthy condition.	Three times officially and many inspections	3	15	One under the Municipal By-law.	Milk-vendor require greater supervision than dairymen, and it is from that source in my opinion that disease is likely to emanate. A registration fee of £2 would meet the evil and curtail the number.
64	North Botany	1	1	.....	Four times	.....	.....	.....	.....
65	North Illawarra .....	..	..	.....	.....	.....	.....	.....	.....
66	North Willoughby .....	..	..	.....	.....	.....	.....	.....	.....
67	Paddington.....	16	49	Clean; all have complied with the requirements of the Act but seven.	Twelve times.	6	30	.....	The seven who have not complied with the Act have been informed that they will not be allowed to sell milk till they do so.
68	Parramatta (a)	31	32	Clean, and in accordance with the requirements of the Act.	Once in every three months.	.....	.....	.....	One is now within the Municipality of Smithfield; eight have ceased to carry on business; and eleven only milk one cow each.
69	Parramatta.....	..	..	.....	.....	.....	.....	.....	.....
70	Patterson (a).....	2	2	Good.....	Every month	.....	.....	.....	.....

MILK VENDORS.									
Number.	Name of District or Local Authority.	Number registered during 1889.	Number registered and trading on 31st December, 1889.	Condition of premises, specifying any in which the requirements of the Act have not been complied with (if any).	How often has each milk store been inspected during the previous twelve months.	Number refused registration during 1889.	Number of registrations cancelled during 1889.	State if any prosecutions have been taken under the Act, and give particulars of such cases.	Special observations.
71	Patrick's Plains (a)	6	5	Fair; no milk stores erected to date; vendors have promised to comply with the Act.	Twice	..	..	..	Only registered about nine months, the Act is being complied with by degrees.
72	Penrith (a)	20	20	..	As opportunity offers	..	3	..	..
73	Penrith . . . . .	..	..	..	..	..	..	..	..
74	Petersham	5	5	Satisfactory	Four times	..	..	..	..
75	Pictou (a)	22	22	All in fair condition...	"	..	..	..	..
76	Pittwater (a) . . . . .	..	..	..	..	..	..	..	..
77	Plattsburg . . . . .	..	..	..	..	..	..	..	..
78	Port Stephens (a)	5	2	Clean; cattle in good condition.	Once a quarter.	..	3	..	There is very little demand for milk in this district.
79	Prospect and Sherwood . . . . .	..	..	..	..	..	..	..	..
80	Randwick	2	3	..	Once a month.	..	..	..	..
81	Raymond Terrace (a)	5	5	Good; requirements of the Act complied with	Three and four times	..	..	..	The milk is sent to Newcastle morning and evening
82	Raymond Terrace	13	13	Good	Four times	..	..	..	The Inspector reports that everything is satisfactory.
83	Redfern	61	85	Clean	Once a month.	..	..	..	..
84	Richmond	16	16	Same as dairies	One, two, three, and four times.	..	1	..	..
85	Rockdale . . . . .	..	..	..	..	..	..	..	..
86	Rookwood (a) . . . . .	..	..	..	..	..	..	..	..
87	Ryde (a) . . . . .	..	..	..	..	..	..	..	..
88	Ryde . . . . .	..	5	All reside outside the district	..	..	..	..	..
89	Shellharbour . . . . .	..	..	..	..	..	..	..	..
90	Shoalhaven (a) . . . . .	..	..	..	..	..	..	..	..
91	Singleton	5	5	..	Twice	..	..	..	The milk vendors' premises are all reported clean.
92	Smithfield and Fairfield . . . . .	..	..	..	..	..	..	..	..
93	South Singleton	3	3	Clean	Three times	..	..	..	..
94	Strathfield . . . . .	..	..	..	..	..	..	..	..
95	St Leonards	9	9	Good	Monthly	..	9	..	..
96	St. Peters	2	..	"	Monthly till cancelled	..	2	..	..
97	Victoria	1	1	Satisfactory	Four times.	..	One	..	..
98	Wallsend . . . . .	..	..	..	..	..	..	..	..
99	Waverley . . . . .	..	17	Satisfactory	Six times	..	..	..	..
100	Waratah . . . . .	..	..	..	..	..	..	..	Registered both as dairymen and milk-vendors.
101	Waterloo	10	15	Nearly all the premises are shops selling produce.	Threetimes, in all 198 visits	One	Six	..	The milk is kept in shops or cupboards.
102	Wickham . . . . .	..	..	Fairly good	No milk stores.	..	..	..	..
103	Windsor (a)	3	3	Very clean	Five times	..	..	..	Every vessel used found on inspection to be very clean.
104	Windsor	36	36	..	Four times	..	..	..	Places clean and in good order.
105	West Maitland . . . . .	..	..	..	..	..	..	..	..
106	Woollahra	4	15	Good	Six times	..	Three	..	..
107	Wollongong . . . . .	..	..	..	..	..	..	..	..

(a) Police District, not incorporated.

DAIRIES.									
Number.	Number registered during 1889	Number registered and trading on 31st December, 1889.	Condition of premises, specifying any in which the requirements of the Act have not been complied with (if any).	How often has each dairy been inspected during the previous twelve months.	Number of wells closed in accordance with section 4, sub section 3, of the Act.	Number refused registration during 1889.	Number of registrations cancelled during 1889.	State if any prosecutions have been taken under the Act, and give particulars of such cases.	Special observations.
71	1	...	Fair	Twice	..	.	1	...	
72	...	.	.	.	.	.	.	.....
73	2	13	See special observations	Four times	..	1	3	.	The dairy premises have been kept in a fair condition during the last twelve months.
74	4	15	In one case, the premises not being satisfactory, registration was refused	Four times, and some oftener.	..	1	2	.	
75	4	3	All in fair condition	Four times	...	.	1	.....	On all occasions the premises, utensils, &c, were found clean, cattle also healthy. In my opinion the business has been carried on without danger to the public health.
76	...	3	Good	Four times	...	.	.....	.....
77		About ten	.	Some three, and some four times	..	.	.	.	These are all small dairies; from one to seven cows are kept. There is a marked improvement in their condition during the year.
78	5	4	Clean. Cattle healthy, and in good condition	Once a quarter.	.	1	4	.	The persons registered in this district only sell about 2 quarts per diem
79	7	8	Accumulation of dung about premises W Fear, no proper bales or milk room. This is one of the dairies that draw water in buckets from the Sydney water supply.	Four times	..	.	.	.	A notice to cancel Fear's license is having the desired effect of placing his premises in a proper condition. Would it be desirable to draw the attention of the Sydney Water Supply Board to the necessity for some supervision in connection with the drawing of water in this way.
80	3	17	.	Once a fortnight.	1	.	7	.	
81	.....	..	.	.	..	.	.....	.
82	..	..	.	.	..	.	.	.
83	4	9	.	Twice a month.	.....	.	3	.....
84	1	1	Satisfactory, except the establishment of separate milk stores, lavatory and privy accommodation generally unsatisfactory, Council now insisting on having the Act strictly carried out	One, two, three, and four times, according to date of registration	..	.	1	.	None; other than the Council strongly approve of the Act, it being, they think, greatly needed.
85	4	16	Fair condition	Monthly	..	1	1	.....	Nothing special to say respecting this dairy.
86	.....	1	.	12 times	.....	.....	.....	.....
87	..	..	.	.	..	.	..	.....	An officer from the Board of Health made two inspections, and gave instructions which have been carried out
88	..	5	All have complied with the Act.	4 times and special inspections.	..	.	..	.....	Inspection will take place within the next three months
89	61	61	.	Once	..	.	..	.....	Being a district in which nearly every householder keeps a cow for his own use, and in which are a number of large butter factories, accounts for such a few being engaged in selling milk to the public.
90	3	3	One clean and in good condition, others received two months' notice to comply with the provisions of the Act.	"	..	..	..	.....	There is a large number of dairies in this district, but they manufacture cheese only.
91	.	.	.	.	.....	.	.	.....	No Inspector has been appointed under the Act in this district.
92	4	4, and 3 others not registered	Three unsatisfactory, viz, Ashe, M'Kenzie, and Quarterman.	Once	.....	.	.	.....
93	1	1	Clean	Three times	..	.	.	.....
94	..	..	.	.	..	.	.	.....
95	19	19	Good	Monthly	..	.	17	.....	Gradual improvement obtained by constant supervision
96	12	18	"	Fortnightly	...	.	8	.....	The sanitary condition of the dairies on the whole is very good.
97	....	3	As a rule clean and in good condition	Four times	.....	..	..	.....
98	About 17	About 17	.	About 3 times.	..	..	..	.....	All these are small dairies ranging from one to five cows. There is a marked improvement in their condition during the year.
99		24	Satisfactory	Eight times	..	.	..	.....	In every case where possible, the dairy people in this district are making connection with the City Water Supply.
100	17	17	See special observations	Three times	..	.	.	.....	Premises generally are clean, cattle appear healthy. Milk-vessels not kept in any case in rooms used by the people who are registered
101	1	24	Very good; many first class	Twenty two times, in all 595 visits	..	.	Two	..	The Council has not yet been put to any very great difficulty by any of the persons registered.
102			Fairly good	Average of three times	..	.	.	.....	Very few dairies in municipality.
103	1	1	Very clean	Four times	.....	..	..	.....	Every vessel used found on inspection to be very clean
104	36	36	The Act has been complied with	"	....	.....	.....	.....	In some cases the milk has been tested from cans in which the milk is supplied to the customers. In some cases it has been nearly half water. How proceed in these cases, under what Act, and section thereof.
105	6	29	Satisfactory	Three times	..	.....	11, registered by police.	.....
106	1	8	Fairly satisfactory. J. Scholes has not yet replaced the roof of his milk store	Six times	..	1, owing to unsuitable premises.	..	.....	Jno Scholes has not complied with the requirements of the Act in regard to having a supply of city water.
107	11	11	Satisfactory Requirements of the Act carried out as far as possible	Three times	.....	.....	.....	.....	The Act has been in force six months—since June 1889.

APPENDIX F.

Sir, Government Laboratory, Sydney, 22 January, 1889.

In reply to your minute of the 18th instant I have now the honor to submit the following remarks :—
The lactometer is an instrument that has been entirely discredited by the large majority of analysts, chiefly owing to its severe condemnation by Mr. Wanklyn.

When this gentleman, in 1873, wrote his little book on Milk Analysis* it was a very rare occurrence to analyse milk, the only tests used being the indication afforded by the lactometer, or lacto densimeter.

As the method of milk-analysis came into vogue the lactometer was gradually discarded, the question of adulteration and sophistication with water being in every case decided by chemical analysis.

But notwithstanding this, I know from personal knowledge that many analysts relied upon the specific gravity as affording valuable and reliable evidence of watering, excepting in such cases where there were abnormal features in the milk under examination. In my own practice, following as I do, the method adopted by the late Dr. Voelcker, then of the Cirencester Agricultural College; I invariably take the specific gravity as accurately as possible at the standard temperature of 60° Fah. employing ice and salt, or some freezing mixture, to reduce the temperature. This result at once determines whether it is necessary to proceed further with the analysis, other things being equal. I have maintained this practice with the full knowledge of the contents of chapter II. of Mr. Wanklyn's book here referred to.

Such being the case I am by no means surprised to find that a more extended use of the lactometer should be advocated, especially when perfected and corrected in the manner mentioned by the writer of the article you refer to, indeed, I was told two years ago that it was then customary to base, and maintain prosecutions on the results of the lactometer in New York city.

I have carefully read Dr. Munsell's paper on the lactometer, and have no reasonable doubt as to its use and efficiency in testing milk generally, although some caution should be exercised in its use whereby the following conditions could be fulfilled :—

1. That a standard be adopted in the graduation of the instrument so that 100 degrees shall be equal to a specific gravity of 1.0,290, being the average gravity of good healthy milk. That such a standard be deposited with the Board of Health, and no lactometer be lawful unless tested and certified by the Board.
2. That the Inspector be duly instructed as to its use and in addition to the observations taken, that the appearance, colour, and taste, shall each be noted. In case of salt or sugar being suspected, or any substance affecting the gravity of the milk, the sample shall in such cases be set aside and sealed for analysis.
3. That where the appearance, taste, and general conditions are found to be normal, the milk percentages be taken direct from the lactometric observations.
4. That samples of milk registering 80 degrees and under be submitted to chemical analysis.
5. That lactometric observations indicating as high as 20 per cent. of added water taken by a properly appointed Inspector be accepted as evidence of watering.
6. That fraudulent additions to milk, for the purpose of obscuring and falsifying the action of the lactometer, be punished by fine and imprisonment.

I am of opinion that the article referred to is one worthy of the consideration of the Board of Health, and that the improved form of lactometer will answer the purpose for which it is intended, except in certain cases, when recourse must be had to chemical analysis.

I have, &c.,
WILLIAM M. HAMLET,
Government Analyst.

P.S.—I would suggest that a couple of standard lactometers be obtained from New York, as the instruments obtained here are not sufficiently accurate for my recommendation.
The Medical Adviser to the Government.

Sir, Government Laboratory, Sydney, 5 May, 1890.

I have the honor to report that the New York Board of Health standard lactometer and the thermo-lactometer made for the State Dairy Commission by Wm. Spencer, New York, have both been carefully tested, and compared with analyses made of the same milk, and the same admixtures of milk and water, and were found to give accurate results at the temperature of 60° Fahrenheit, and 30 inches barometric pressure. They may accordingly be used for milk testing, and their indications, *i.e.*, percentages, based on specific gravity, may be relied upon for the mere admixture of milk with water.

The addition of {
Sugar,
Salt,
Starch,
Condensed milk,
Glycerine,
Salicylic acid,

cannot, of course be indicated, and recourse must, in such cases, be had to chemical analysis for the detection of these falsifications.

However, for many reasons the above substances are rarely used, the general practice of adulteration being simple addition of water.

I beg to request that these two lactometers remain in the Government Laboratory as standard instruments.

I have, &c.,
WILLIAM M. HAMLET,
Government Analyst.

The Medical Adviser to the Government.

* Milk Analysis, by J. Alfred Wauklyn, M.R.C.S., London, Trübner, 1874.

1890.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

EPIDEMIC OF INFLUENZA.

(REPORT ON, IN NEW SOUTH WALES DURING 1890.)

—
Ordered by the Legislative Assembly to be printed, 17 December, 1890.
—

REPORT.

The Chief Medical Inspector to The President of the Board of Health.

Sir,

December 10th, 1890.

Influenza having begun to appear early in March, 1890, a collective inquiry was determined upon towards the latter part of that month; and, by your direction, a circular was drawn up. This was forwarded to every practitioner whose address was known, on April 16th; and on June 2nd, and again on August 18th, further copies were sent out to supply defects in the result of the first application. The following questions were appended to it:—

1. Date of the first case of influenza seen by you in New South Wales?
2. Brief abstract of its symptoms and duration?
3. Brief abstract of symptoms, and average duration, of cases in general as observed by you?
4. Does the present illness differ from the epidemic catarrh often seen in this Colony?
5. What are the symptoms that distinguish the two diseases?

Upon the answers furnished by the members of the medical profession I now have the honour to make general report.

2. In planning the inquiry a single object was held mainly in view: namely, to learn the degrees by which the epidemic spread. In order to that, care was taken to so frame the questions as to avoid inadvertent confusion in the written answers, both between names and between diseases, as completely as possible; and it seemed the more necessary to observe this precaution in the present case that a disease is annually seen whose clinical symptoms place it very near to influenza, as well as the usual bronchial catarrh (of Hirsch), which is a seasonal illness. After repeated perusal of the whole body of replies, it appears that the object mentioned has been attained; and therefore that the reports, in as far as they speak of "influenza," may be relied upon. However, the data which are given in several appendices are sufficiently detailed to enable some independent opinion to be formed on that point; and it is only necessary to say that as the returns apply to ninety-four distinct districts, which represent about six-sevenths of the total estimated population, the information regarding manner of spread, or progress, is nearly complete.

3. The foregoing seemed to be the point at present most important to investigate closely; but others claimed attention. Some of them were incidentally touched. Thus, the general character of the disease as it appeared here may be gathered from Appendix I, Table B; and the uncertainty of the signs which (in the opinion of individual reporters) distinguished the general run of cases from seasonal catarrh on the one hand, or from shearing-shed fever on the other, may be inferred from the frequency with which the comparative degree is used in making answer to questions 4 and 5, as exemplified in Appendix I, Table D, in Table E, and in Appendix VII, Nos. 1, 2, and 3. Other matters were subjects of direct inquiry. To assist in forming an idea of the severity of the epidemic special reports were obtained from many public institutions, and from some public offices, which are printed in Appendices III and IV; and the conclusion they warrant is that the disease was distinctly, but not severely, felt in Sydney, while from Appendix II, Tables F, G, H, I, K, and the map, it appears that it reached every inhabited district of importance in the country. There is every reason to suppose that this opinion would be supported by more general experience; but unfortunately it has not been found possible to bring forward any useful mortality return, from which a safe inference might otherwise have been drawn. As to the question of contagion under its local aspect, no attempt was made to elicit the opinions of individual practitioners; the experience of public institutions, and a general review of the progress of the epidemic, were relied upon instead (Appendix IV). Information as to meteorology, epizootics, and insect plagues, &c., is given in Appendix V. Lastly, special inquiry was made as to the symptoms and behaviour of a disease thought to resemble influenza closely, which is met with every year in some or many rural localities, and which (in New South Wales, at all events) seems to be usually associated in its origin with assemblage of large numbers of men and sheep in the sheds at the shearing season. This disease is sometimes called "fog fever"; however, for the reason hinted at, and because fogs are not common in sheep-country, it seems better to speak of it provisionally under the trivial name "shearing-shed fever." Only three accounts were returned, but they will be found extremely interesting (Appendix VII). They suffice to show that this disease is deserving of very careful investigation.

4. The first cases brought to notice by the present inquiry occurred at Hillston, a small and remote township in the Riverina, little exposed to communication with the rest of the Colony by travellers (see map). These occurred on July 15th, and in August, 1889; and probably no doubt will be felt that they were really cases of influenza, after perusing the account furnished by Dr. C. H. Soutar (Appendix VI). The next reported case occurred at Albury on December 6th, and the next to that in Sydney, on December 25th. As to the first-mentioned cases, doubtless they were sporadic, and merely exemplify the statement usually made—that influenza is at all times occasionally to be met with; but as to the later two, information from neighbouring provinces, when it becomes available, may possibly help to decide whether they were erratic, or whether they, too, were sporadic. It is scarcely possible (for the present, at least) to regard them as belonging to the local epidemic period, for the next reported cases did not occur until nine weeks afterwards. These last mark the beginning of the period of local epidemicity.

5. The following table shows the number of first cases reported during successive seven-day periods by different practitioners in Sydney, and by different practitioners in different country places :—

Consecutive numbers of seven-day periods.	Date of each seven-day period.	Number of first cases noted by different practitioners in Sydney week by week.	Number of country places newly attacked week by week.	Number of the country places referred to in the preceding column which have railway stations.
	4 Dec. to 10 Dec.	.....	1§... ..	1.
	11 " " 17 "	.....	.....	.....
	18 " " 24 "	.....	.....	.....
	25 " " 31 "	1 .....	.....	.....
	1 Jan. " 7 Jan.	.....	.....	.....
	8 " " 14 "	.....	.....	.....
	15 " " 21 "	.....	.....	.....
	22 " " 28 "	.....	.....	.....
	29 " " 4 Feb.	.....	.....	.....
	5 Feb. " 11 "	.....	.....	.....
	12 " " 18 "	.....	.....	.....
	19 " " 25 "	.....	.....	.....
1	26 " " 4 Mar.	3 (a)* .....	.....	.....
2	5 Mar. " 11 "	4	1 .....	.....
3	12 " " 18 "	3 (b)	2	1.
4	19 " " 25 "	7 (b)	3	1†.
5	26 " " 1 April	36 (b, a)	1	1.
6‡	2 April " 8 "	30 (a)	7 (b)	5.
7	9 " " 15 "	18 (b, b, b, b, a, a)	11 (a)	11†.
8	16 " " 22 "	5	10	7.
9	23 " " 29 "	3 (b, a)	6	1 (and 2 by sea).
10	30 " " 6 May	2	3 (b)	1.
11	7 May " 13 "	.....	3 (b, b)	1 (and 1 by sea).
12	14 " " 20 "	.....	7	2.
13	21 " " 27 "	.....	2 .....	.....
14	28 " " 3 June	.....	3 (a)	3.
15	4 June " 10 "	.....	1 (a)	1.
16	11 " " 17 "	.....	3 (a, a)	1.
17	18 " " 24 "	1 (a)	1 (b)	1.
18	25 " " 1 July	.....	.....	.....
19	2 July " 8 "	.....	1 (b) .....	.....
20	9 " " 15 "	.....	1 .....	.....
21	16 " " 22 "	.....	.....	.....
22	23 " " 29 "	.....	1 .....	.....
23	30 " " 5 Aug.	.....	1 .....	.....
24	6 Aug. " 12 "	.....	.....	.....
25	13 " " 19 "	.....	.....	.....
26	20 " " 26 "	.....	2 (a, a) ..	2.
27	27 " " 2 Sept.	.....	.....	.....
28	3 Sept. " 9 "	.....	.....	.....
29	10 " " 16 "	.....	1 .....	.....

§ See Appendix II, Table K, Albany.

* For the meaning of the letters (a) and (b) see Appendix I. In this table the reports thus distinguished are included under each corresponding figure, and are not additional. † Including Broken Hill and Silverton, which are reached by rail through South Australia. ‡ H.M.S. "Rapid" and "Orlando" entered Port Jackson on April 2 and 3; a large proportion of the crews of these ships had suffered, or were suffering, on arrival. The sick were confined on board until a few days after recovery, and shore visitors were interdicted.

During the first four weeks it will be noticed that there was a small but increasing number of invasions in Sydney; then the two succeeding weeks each yielded a large number of fresh invasions; in the seventh week the number lessened considerably, and during the eighth and ninth weeks the outbreak declined more rapidly to its close during the tenth. The course observed in the country was similar, but prolonged; that is to say, during the second, third, fourth, and fifth weeks (of the Sydney period) very few country places were invaded; in the sixth the number of fresh invasions increased largely, and during the seventh and eighth the greatest numbers of fresh invasions were reported; thereafter the numbers declined, although one or more fresh invasions occurred in every week down to the seventeenth; after the seventeenth intervals began to occur, and the last report of a fresh invasion was made during the twenty-ninth week. In Sydney the epidemic ceased not much after the tenth week, although few and scattered cases were heard of as late as the end of October, or about the thirty-fifth week.

6. This course of the epidemic, both in Sydney and in the country, appears to me to be consistent with what is observed in some communicable diseases. Nothing seems clearer after examination of the map, of the table given above, and of the other tables contained in Appendix II (but of F and K especially) that the phenomenon of simultaneous attack over very large areas of country was not exemplified here. Everywhere is found the same evidence of gradual extension of the disease. In Sydney and others among the larger cities, if its progress were not actually slow it was at all events anything rather than exceedingly swift; and, when areas of country come to be regarded, it appears that its extension was deliberate, and—to use a familiar phrase—in no case faster than a man could (very easily) travel. On the other hand, the reports printed in Appendix III furnish nearly conclusive evidence that direct contagion between sick and well was not a cause of the observed epidemic prevalence.

7. An inquiry confined to a small part of the earth's surface touching a disease which has pandemicity for a characteristic, cannot furnish sufficient ground for a formal induction; its value will appear only when it comes to be collated with the results of other such inquiries. In the meantime, however, the data may be reasonably searched for clues useful to guide investigation of a larger body of facts; and when they are attentively regarded with that object in view, the following appear to be the more important of the questions they suggest:—Is not human intercourse necessary to transport the contagion of this disease? Is not some stage intermediate between man and man necessary to its spread in epidemic form? Is the condition, which for convenience has been called aërial, of more consequence in production of epidemics of influenza than it is in production of epidemics of other diseases which at times do, and at other times do not, assume the epidemic form?

I have the honour to be,

Sir,

Your most obedient servant,

J. ASHBURTON THOMPSON.

APPENDIX I.

INFLUENZA having begun to appear during the month of March, 1890, a collective investigation was determined upon. On April 16th a circular, to which the following questions were appended, was issued to every medical practitioner in New South Wales whose name and address stood on record; and on June 2nd, and again on August 18th, further copies were sent out to supply defects in the result of the first issue:—

- *1. Date of the first case of influenza observed by you in New South Wales?
2. Brief abstract of its symptoms and duration?
3. Brief abstract of symptoms, and average duration of cases in general, as observed by you?
4. Does the present illness differ from the epidemic catarrh often seen in this Colony?
5. What are the symptoms which distinguish the two diseases?

NOTE.—If no cases have been seen by you, please write "no cases seen" and return.

* The accompanying letter showed that the first question had reference to the present epidemic only.

The total number of circulars issued was 675. The replies received numbered 306, but thirty-six of them were in response to a second application made to gentlemen who at an earlier date had reported "no cases seen."

The total number of available replies was therefore 270, and of them 130 were from Sydney (the Metropolitan Registration Division), and 140 from the country. Of the latter, forty-three were secondary, that is, replies were furnished by more than one reporter in some places, and four were imperfect; so that the number of different towns and districts from which reports were received was 94, Sydney being reckoned as one place.

Classification of the Replies.

I have used the following classification:—

- (I.) = Influenza reported;
(O.) = Influenza reported not to have occurred, and no other disease mentioned;
(a) = Epidemic catarrh described, and the disease said to be the same as that usually met with about autumn and spring;
(b) = An epidemic disease observed; said not to differ, or not to differ much, from epidemic catarrh, but the description betokening influenza;
(X) = Imperfect reports;

and to each class I have assigned for convenience the symbol shown above.

Treatment of the Classes.

Include (I), (a), and (b) in the same lists, distinguishing only (a) and (b).

Place (O) reports in separate lists.

Neglect (X) reports.

Exhibit secondary reports, distinguishing their character, in separate lists headed by their respective primary reports.

The following table A shows the 270 available replies classified in accordance with the foregoing rules:—

TABLE A.—Showing the character of 270 replies, namely, 130 from Sydney, and 140 from country towns and districts.

Sydney.		Country.			New South Wales.		
Number of reports.	Character.	Number of Reports.	Secondary Reports.	Character.	Number of Reports.	Secondary Reports.	Character.
98	I	80	20	I	178	20	I
10	O	30	9	O	40	9	O
7	a	17	11	a	24	11	a
8	b	9	3	b	17	3	b
7	X	4	.....	X	11	.....	X
130		140	43		270	43	

NOTE.—Sydney = Metropolitan Registration Division, estimated population, 1889, 381,730. Country = Cities, towns, and districts, outside the M.R.D., estimated population, 1889, 740,470.

So the number of separate reports was 270; of useful reports $270 - 11 = 259$; of primary reports $259 - 43$ (for which see table K) = 216; and the number of primary reports from distinct places was 94.

The following abstract shows the general tenour of the notes and descriptions furnished by 178 reporters who made (I) reports:—

TABLE B.—Showing the general tenour of 178 (I) reports.

Onset.—Often noted to be sudden; time of onset sometimes mentioned, and always said to be at early morning hours, except once, when afternoon is named. An antecedent period of ill-health is mentioned by one reporter as occurring in about 10 per cent. of all his cases, and lasting from eight to ten days; two reporters mention an incubative (prodromal?) stage of two or three days, and of four days.

Rigors (initial).—Noted often.

Temperature.—Very early rise to summit noted often; height very often mentioned, and stated at or between 101° and 104° F.; defervescence often said to be complete by end of forty-eighth hour.

Pains.—In head almost invariably mentioned, and almost invariably named frontal, or frontal and general. In spine, or back, or loins, almost invariably noted. In muscles (of legs, of arms less often) almost invariably. In abdomen (or only tenderness) often noted.

Coryza and lachrymation.—Absence of these (or of "catarrhal symptoms," which context shows to mean these) often specifically mentioned, and as a characteristic. Rather often one or both mentioned as being present. Occasionally suffusion of conjunctivæ without lachrymation is noted.

Otitis.—This is mentioned by one reporter as having occurred in several of his cases.

Respiratory

Respiratory mucous membrane.—General tendency to affection of this is often noted. Feeling of constriction about chest sometimes mentioned alone. Capillary bronchitis is named three times; bronchitis, often. Pneumonia or pleurisy, or broncho-pneumonia, are occasionally noted as being late complications or sequela. Aggravation of pre-existent lung-disease is noted two or three times. Cough is commonly noted, but most often either as irritative or as appearing only after acute symptoms have passed over. When catarrh is specified it is often distinguished as "post-nasal" or "pharyngeal."

Digestive mucous membrane.—Affection of this, noted often. Vomiting is commonly mentioned; diarrhoea, less often; constipation as frequently as diarrhoea. When appetite is referred to, it is only to specify anorexia.

Liver.—Several reporters note congestion, hepatitis, or peri-hepatitis; one, catarrhal jaundice; one, hepatic symptoms.

Bladder.—Cystitis is once mentioned.

Depression.—This is commonly, but not invariably, noted.

Prostration.—Almost invariably noted; sometimes distinguished from depression.

Heart.—"Great cardiac depression;" "præcordial anxiety, with tendency to syncope"; and "præcordial pain, livid face, and tendency to syncope," are noted by three observers, and apparently as symptoms commonly present among their patients.

Insomnia.—Occasionally mentioned.

Rashes.—These were noted by five reporters. "Papular sweat-rash in two cases"; "herpes, chiefly about the mouth, common." "In about one-half of my cases there has been a rash, either like scarlet-fever or like chicken-pox; the scarlet-fever rash not lasting for more than from twelve to twenty-four hours." "Erythema of chest and face" (in more than one case seems implied); "erythema in seven of my cases."

Neuralgia.—Sometimes mentioned, and then as a sequela, but occasionally as accompanying the acute stage.

Duration.—The statements vary considerably, and between three days and three weeks. The majority fall between four and fourteen days: seven days is very common. (The answers except complicated cases, and occasionally mention that duration depends on the care taken during the first days of illness.)

Convalescence.—In uncomplicated cases is generally noted to be slow; in complicated cases is said to vary with nature of complication. Said in a few instances to be marked by anæmia or pallor.

Contagiousness.—Purposely no question was framed as to contagiousness, but several reporters mention this point. In about equal numbers these allege, as a distinction between influenza and epidemic catarrh, that the present illness is more contagious, and that it is less contagious, than the latter disease. Three make note that in their experience the present illness never ran through households, but that solitary cases were alone seen.

The following table, C, gives examples verbatim of the replies to questions 4 and 5 made by twenty-four reporters who furnished (a) reports; the characteristic determining them to a separate class being the declaration that the reporter in each case was unable to say that the prevalent disease under his notice differed from the usual, or seasonal, epidemic catarrh:—

TABLE C.—Giving, verbatim, examples of the replies to Questions 4 and 5 made by twenty-four reporters who furnished (a) reports.

Report 2 (a).—Q. 5. Does the illness differ from the epidemic catarrh often seen in this Colony? No; exactly the same as the epidemic we had four years ago (in Cootamundra). Q. 4. Brief abstract of symptoms, and average duration, of cases in general as observed by you? Ushered in usually suddenly with chilliness (or coldness down the spine), succeeded with flushes of heat; loss of appetite, nausea, great prostration of strength; feverishness slightly increased towards evening; anxiety, frontal headache, as well as pains in the balls of the eyes, limbs, and back; tongue covered with yellowish creamy fur; suffusion of the eyes, and thin acrid discharge from nostrils (not in all cases); dry hard cough, accompanied with tightness across chest; expectoration scanty at first, but later on more copious, and yellowish; pulse 80 to 90. Free perspiration usually sets in towards the end of the attack, and except for complications or in aged persons the duration is from three to ten days.

51 (a).—Q. 5. No difference. Q. 4. Feeling of chilliness; T. 102; slight bronchitis; running from the nose; in some cases depression. Convalescent in about three days.

66 (a).—Q. 5. Epidemic catarrh is nothing more or less than influenza under another name, and differing in severity in the different epidemics seen. Q. 4. Pain in popliteal space, extending to the thigh, and to the lumbar region, followed by headache, rigors, and high temperature; coryza and bronchial discharge. The above are the usual symptoms of the severer cases; the milder cases present the symptoms of ordinary colds. Under treatment duration should not be more than two days.

94 (a).—Q. 5. No, so far as I have yet seen. Q. 4. Catarrh, fever, headache, cough; duration, six days.

97 (a).—Q. 5. No. Q. 4. Rigors; pains over body, particularly lumbar region and head; oppression of chest; after two days a metallic cough; little or no expectoration. Duration, three days.

108 (a).—Q. 5. Any cases seen by me would seem to be referable to the category of epidemic catarrh as observed from time to time in Australia. Q. 4. Up to date of present return I have not seen any cases which seemed to me to present distinctive features. I have seen a great number of cases of catarrh, some of considerable severity as regards pain in the head, approaching delirium, pain in the loins, and elevation of temperature. These symptoms six or seven years ago I have observed, and from the suddenness of the onset used to style the complaint "lightning catarrh."

121 (a).—Q. 5. As seen by me, no. Q. 4. Weakness, pains over body, with frontal headache and pains in eyes, with watery discharge from eyes and nose. Symptoms generally last about three days, and the patient is all right in a week.

173 (a).—During the present month there have been several cases of a severe form of catarrh in this town and district. As far as I have observed the present epidemic differs in no way from the usual ones we have either in spring or autumn. I am of opinion that the present epidemic is, in this district at least, in no way to be distinguished from epidemic catarrh.

246 (a).—No disease presenting any peculiar symptoms has occurred under my observation. Catarrh sometimes severe, but in no way differing from what is usually met with.

Table D gives verbatim the replies made by seventeen reporters—eight Sydney, nine country—who made (b) reports:—

TABLE D.—Giving verbatim the answers made to Questions 4 and 5 by seventeen reporters who made (b) reports:—

Report 11 (b).—Q. 5. I really think not. I think chiefly in its severity. The worse kinds of epidemic catarrh, are accompanied by headache and other nervous symptoms, and by gastric disorder. But still it is a fact that in many of the cases I have seen the disturbance of the respiratory function has been but trifling. If there be really any other distinction than the severity of the attack, it would seem to lie in the nervous intoxication. The characteristic feature of the present epidemic would seem to be the nervous prostration and pyrexia. Q. 4. Most marked symptoms on the whole are diarrhoea and colic, with perhaps retching. Fever and headache, also invariable with prostration. But no thoracic disorder of any degree of severity. Duration about ten days.

13 (b).—Q. 5. There was not much difference. Q. 4. Pains in back, with great prostration; running from nostrils; slight bronchitis.

20 (b).—Q. 5. Not in character, but the symptoms are more severe. Q. 4. Headache, pain in back and legs, high temperature, commencing with rigor. Duration, five to six days.

86 (b).—Q. 5. While a well-marked case of influenza differs from epidemic catarrh in the severity of its chief symptoms, I must confess that I find it impossible to say where one ends and the other begins. Q. 4. Fever, 101°-105°, with feelings of chilliness. Gastric derangement usually severe, with constipation, and great anorexia. Headache, often referred to back of eyes and forehead. Pains all over, especially severe in lumbar spine and thighs. Cough often severe, and out of proportion to physical signs; slight expectoration. Duration, four to ten days.

87 (b).—

87 (b).—I have found in the present epidemic a higher temperature and less tendency to bronchitis than in the former epidemics of catarrh. Q. 4. Rigors, coryza, slight cough, muscular tenderness. Headache, principally over orbits, great prostration. Pulse, 120°; temperature, 103°. This was the first case, and the others differed from it very little, although none was as severe.

96. (b).—Q. 5. In my opinion, in the majority of cases very little, except the intensity of the headache and the peculiarity of the dorsal pains, and the minor urgency of the catarrhal symptoms, and the longer continuance of the weakness in the present epidemic. Q. 4. Usually headache, more or less severe, but not always constant either in severity or situation; followed by pains generally in the back over the loins, and of such a nature (not severity) as to render the patient incapable of resting in bed. Pulse usually above 80° the first day or two; temperature, seldom above 100°. Tongue clean; bowels natural, or slightly confined. Seldom any catarrhal or bronchitic symptoms.

98 (b).—Q. 5. Only in the severity of some of the symptoms. Q. 4. Rigors, lividity, high pulse and temperature, general prostration. Duration six to ten days.

112 (b).—Q. 5. I noticed but little difference from the ordinary acute catarrh, beyond the extreme prostration, and severity of pains in the limbs and back. Q. 4. Very great and extreme prostration and depression; general chilliness; rheumatic pains, or pains as if beaten or bruised in the back or limbs; intense frontal headache; cough; high temperature; in a few cases only, discharge from nose; duration four to seven days.

151 (b). Q. 5. Epidemic catarrh often occurs here especially in the shearing-season, when it starts in the sheds and spreads. Taking case with case I cannot state any difference in the symptoms. Q. 4. 1.—Catarrhal cases; fever, prostration; duration about a week. 2.—Cases without nasal or bronchial catarrh; sore throat, or dysentery, or gastric disturbance; often herpetic eruptions on face or ears; prostration even more marked; duration about a week. 3.—Children's cases; drowsiness, fever, rapid loss of flesh, sore throat; herpes on lips or about nose; tendency to pneumonia; duration longer, one to three weeks.

180 (b). Q. 5. So far as I have seen the present epidemic is marked by less coryza, no tendency to pneumonia, less tendency to troublesome bronchitis. In many cases, however, in young children symptoms simulating croup are present. Q. 4. Headache with pains about the eyes; slight coryza and sore throat; cough, slight in adults, often croupy in children; pains in back and limbs; duration one week on an average, often leaving much prostration (two other practitioners in the same city made (I) reports about the same time).

203 (b).—Q. 5. I think not to any appreciable degree. Q. 4. Shivering, general prostration, frontal headache and a sensation as of tightness, pain in the back and lower extremities, cough, pain along margin of false ribs; duration, seven days.

205 (b).—Q. 5. In my opinion it differs but slightly. Q. 4. Pain at base of occipital bone; vomiting, or an inclination to nasal defluxion; severe pains in muscles of legs and arms; a high temperature for a day or two; spasmodic cough; anorexia; great mental depression; duration, about fourteen days.

213 (b).—Q. 5. Not in my opinion. Q. 4. Frontal headache; congestion of conjunctivæ; fever up to 102° F.; cough and expectoration; prostration; back-ache, pains in limbs; in some cases running from eyes and nose; duration, about seven days.

215 (b).—Q. 5. No. Q. 4. Suddenness of attack; flushings of heat; vomiting; great prostration; continuous brow or headache; extreme cardiac debility during convalescence; duration, five to fourteen days.

221 (b).—Q. 5. Not much if at all. Q. 4. Prostration in some cases very great; severe headache; high pyrexia; bronchitis very severe; tonsils inflamed severely in some cases; pains in loins and limbs; duration five to seven days.

227 (b).—Q. 5. No. Q. 4. General prostration; pain throughout the body, but generally referred to the forehead and lower limbs; sudden onset; catarrh chiefly nasal and pharyngeal; duration, two weeks.

238 (b).—Q. 4. I find a difficulty in distinguishing this epidemic of influenza from epidemic catarrh. In the last influenza epidemic of 1885, pneumonia was a frequent and fatal complication, and children were not attacked. In this there is no pneumonia, and children are frequently attacked. In this epidemic relapses are common, in that of 1885 relapses were rare. Frontal headache was uncommon in 1885, as was nasal catarrh which is common in this epidemic. I should be inclined to call this disease epidemic catarrh, and that of 1885 influenza. Q. 5. Catarrh of frontal sinuses; general fever with pains in joints; anorexia; congestion of the lungs with bronchial catarrh, and in some cases pleurisy; gastro-enteric catarrh; in children sore throat, with sometimes croupy attacks, sometimes diphtheritic; and sometimes bronchitis and diarrhoea; great weakness; duration, about three weeks (relapses common).

In answer to the 4th question, "Does the present illness differ from the epidemic catarrh often seen in this Colony?" 178 reporters who made (I) reports answered in the affirmative; and in answer to the 5th question, the following were cited as *distinguishing symptoms*, in frequency as shown in the following table, E:—

TABLE E.—Showing the symptoms which were considered by 178 reporters who made (I) reports to distinguish the epidemic described by them from the common epidemic (or seasonal) catarrh, and the number of times each was cited, in Sydney, in the country, and in New South Wales:—

Symptoms.	Sydney.	Country.	New South Wales.
1. Prostration or depression	66	45	111
2. Severity of pains in spine, in muscles, or in bones	51	38	89
3. Absence or late appearance of coryza	47	30	77
4. Rapid and great rise of temperature	42	.....	.....
5. Intensity of cephalalgia	37	24	61
6. Suddenness of onset	30	.....	.....
7. Frequency of gastric derangement (vomiting and diarrhoea)	17	16	33
8. Greater frequency of pulmonary complications	5	6	11
9. Less frequency of pulmonary complications	5	.....	5
10. Close resemblance to onset of typhoid or rheumatic fever	4	.....	4
11. Cardiac weakness, lividity	2	.....	2
12. Greater severity of general symptoms .....	.....	15	15
13. Subsequent neuralgia .....	.....	4	4
14. Derangement of hepatic function .....	.....	4	4

APPENDIX II.

Progress of the Epidemic in Sydney.

TABLE F.—Showing the dates on which 113 reporters practising in the Metropolitan Registration Division met with their first case of epidemic disease: (a) and (b) reports being distinguished from the remainder, which consists of I reports:—

	December 25, 1889	March 28, 1890	April 2, 1890	April 9, 1890
(a)	February 27, 1890	" 28, "	" 2, "	" 9, "
	March 1, "	" 28, "	" 2, "	" 10, "
	" 1, "	" 29, "	" 2, "	" 10, "
	" 5, "	" 29, "	" 3, "	" 11, "
	" 5, "	" 29, "	" 3, "	" 11, "
	" 7, "	" 29, "	" 3, "	" 11, "
	" 10, "	" 30, "	(a) " 3, "	" 12, "
	" 12, "	" 30, "	" 3, "	(b) " 12, "
(b)	" 13, "	" 30, "	" 3, "	(a) " 13, "
	" 15, "	" 30, "	" 3, "	(b) " 13, "
	" 19, "	" 31, "	" 3, "	" 14, "
(b)	" 20, "	" 31, "	" 4, "	(a) " 14, "
	" 21, "	" 31, "	" 4, "	" 15, "
	" 22, "	" 31, "	" 4, "	" 15, "
	" 23, "	" 31, "	" 4, "	" 16, "
	" 23, "	" 31, "	" 4, "	" 17, "
	" 25, "	" 31, "	" 5, "	" 19, "
	" 26, "	" 31, "	" 5, "	" 19, "
(b)	" 26, "	" 31, "	" 5, "	" 21, "
	" 26, "	April 1, "	" 5, "	(a) " 25, "
	" 26, "	" 1, "	" 6, "	(b) " 28, "
	" 26, "	(a) " 1, "	" 7, "	" 28, "
	" 27, "	" 1, "	" 8, "	May 1, "
	" 27, "	" 1, "	" 8, "	" 3, "
	" 28, "	" 2, "	" 8, "	(a) June 22, "
	" 28, "	" 2, "	" 9, "	
	" 28, "	" 2, "	(b) " 9, "	
	" 28, "	" 2, "	(b) " 9, "	

TABLE G.—Showing the dates in which 10 reporters, practising in the Metropolitan Registration Division, reported that they had met with no case of influenza (no other disease being mentioned by them):—

April 22	May 30
" 30	June 4
" 30	" 5
May 2	" 5
" 15	" 5

Progress of the Epidemic in the Country.

TABLE H.—Showing the date upon which the first case of illness was observed in each of 72 places, 59 I, 6 (b), and 7 (a), outside the Metropolitan Registration Division:—

	15 July, 1889.	Cooma,	22 April, 1890.
Hillston,	15 July, 1889.	Adelong,	24 " "
Albury,	6 December, "	Trial Bay,	25 " "
Inverell,	10 March, 1890.	Richmond,	25 " "
Parramatta,	16 " "	Crookwell,	26 " "
Hillgrove,	17 " "	Bega,	26 " "
Corowa,	19 " "	Mittagong,	27 " "
Broken Hill,	20 " "	(b) Captain's Flat,	1 May, "
Murrumburra,	24 " "	Emmaville,	2 " "
Tamworth,	1 April, "	Morpeth,	5 " "
Cowra,	2 " "	(b) Wardell,	9 " "
Yass,	3 " "	(b) Molong,	13 " "
Balranald,	4 " "	Grenfell,	13 " "
Young,	7 " "	Parkes,	15 " "
Newcastle,	7 " "	Junee,	15 " "
Lithgow,	8 " "	Carcoar,	16 " "
(b) Walcha,	8 " "	Stroud,	16 " "
Mudgee,	9 " "	Germanton,	16 " "
Singleton,	9 " "	Dungog,	18 " "
Deniliquin,	10 " "	Murwillumba,	19 " "
(a) Jerilderie,	12 " "	Merriwa,	25 " "
Silverton,	12 " "	Forbes,	25 " "
Woonona,	13 " "	Tenterfield,	28 " "
Wollongong,	13 " "	(a) Greta,	1 June, "
Goulburn,	13 " "	Bourke,	3 " "
Maitland,	13 " "	(a) Campbelltown,	6 " "
Bathurst,	15 " "	(a) Glen Innes,	15 " "
Bulli,	15 " "	Wingham,	16 " "
Orange,	16 " "	(b) Pictou,	24 " "
Penrith,	16 " "	(b) Kempsey,	2 July, "
Wilcannia,	16 " "	Lismore,	15 " "
Armidale,	18 " "	Tumberumba,	28 " "
Berrima,	18 " "	Grafton,	30 " "
Windsor,	18 " "	(a) Wagga, Wagga,	20 August, "
Gundagai,	19 " "	(a) Liverpool,	20 " "
Raymond Terrace,	20 " "	Warialda,	13 September, "
Queanbeyan,	20 " "		

TABLE I.—Showing the dates on which it was noted at 22 places that no Influenza had been met with (no other illness being mentioned) :—

Berry,	18 April,	1890.	Moruya,	23 August	1890.
Kiama,	18 "	"	Brewarrina,	25 "	"
Burrowa,	20 "	"	Walgett,	25 "	"
Narrabri,	21 "	"	Wentworth,	25 "	"
Corryong,	24 "	"	Urana,	26 "	"
Coonabarabran,	30 "	"	Blayney,	26 "	"
Cobar,	5 July	"	Hay,	28 "	"
Nymagee,	7 "	"	Terrara,	6 September,	"
Nyngan,	22 August,	"	Milton,	8 "	"
Robertson,	22 "	"	Dubbo,	26 "	"
Bingera,	23 "	"			

TABLE K.—Showing the character and dates of multiple reports made by different reporters residing in the same country place (27 instances). The first entry under each place-name refers to the primary report.

(I) Albury,	6 December, 1889	(I) Armidale,	18 April,	1890
(I) "	7 April, 1890	(I) "	1 May,	"
(I) Parramatta,	16 March, "	(O) Grafton,	21 April,	"
(I) "	5 April, "	(I) "	30 July,	"
(I) "	8 "	(I) Merriwa,	25 May,	"
(a) "	1 "	(O) "	22 April,	"
(a) "	30 "	(I) Cowra,	2 "	"
(I) Newcastle,	7 "	(O) "	7 June,	"
(I) "	8 "	(O) Walgett,	13 "	"
(I) "	19 "	(O) "	25 August,	"
(I) "	22 "	(O) Wentworth,	16 June,	"
(I) " (Stockton)	2 May,	(O) "	25 August,	"
(I) "	5 "	(O) Urana,	20 June,	"
(I) " (Wallsend)	14 "	(O) "	22 August,	"
(I) "	27 "	(O) Warialda,	22 "	"
(O) "	17 April,	(I) "	13 September,	"
(I) Penrith,	16 "	(I) Balranald,	4 April,	"
(I) "	22 "	(a) "	5 March,	"
(I) "	22 "	(I) Bega,	26 April,	"
(I) Goulburn,	13 "	(a) "	1 "	"
(I) "	22 "	(I) Yass,	3 "	"
(O) "	12 May,	(a) "	18 "	"
(I) Windsor,	18 April,	(I) Germanton,	16 May,	"
(I) "	23 "	(a) "	3 "	"
(I) Maitland,	13 "	(I) Deniliquin,	10 April,	"
(a) "	26 "	(a) "	21 August,	"
(I) Orange,	16 "	(O) Narrabri,	21 April,	"
(I) "	24 "	(a) "	No date.	"
(I) "	26 "	(I) Broken Hill,	20 March,	"
(I) Gundagai,	19 "	(I) "	7 April,	"
(I) "	25 "	(a) "	No date.	"
(I) Bathurst,	15 "	(b) Molong,	13 May,	"
(I) "	26 "	(a) "	No date.	"
(b) "	20 "			
(I) Cooma,	22 "			
(b) "	28 "			

In the map appended hereto is inserted beneath the name of each place from which (I), (a), (b), or (O) reports were received the date on which the first case was observed, or (in the last instance) the date down to which it was reported that influenza had not made appearance; and in all instances the date is preceded and followed by the sign which indicates the character of the report, as above (b) which is reckoned equivalent to (I) being excepted. Railways in actual use, and coach-lines, are also shown; but sea-lines are not shown. It may be said that all places on railway lines are in daily communication with the capital, that places on coach-routes get their mails and passengers from the capital not less than three times a week, with exception of places in the far north-west, which get their mails less often. On the other hand, many such towns receive a daily mail by two or three different routes. Places on the sea-coast, or seated on the larger rivers not very far from their mouths, are usually visited twice or thrice a week by steam-ships, but also by overland coach-routes on intermediate days. In short, nearly every place in the province is so connected with the capital that the traveller may reach it within five days at

the most, often within two days, and most often within one day; while he may start upon his journey almost every day of the week. It should be noticed that places on the borders of the province especially must be considered (for the present purpose) in relation to other provinces—these especially, because all the *capitals* are in direct communication by railway, and the interchange of passenger traffic is large and constant (see the Diagram appended to the Map.)

APPENDIX III.

DATA afforded by the principal Public Institutions which have bearing on the question of contagiousness, and which illustrate the degree in which the epidemic was felt:—

1. SYDNEY HOSPITAL (GENERAL).

Average daily numbers.—Of resident medical staff, 4; of nursing staff, 46; of general staff, 18; of in-patients, 236. Out-patients: At the hospital, approximate average daily attendance, ; branch at Redfern, a mile and a half away, 47.

Position.—In the city.

Cases of Influenza.—First case seen was among hospital out-patients, March 5; and none among Redfern out-patients until April 5. On April 11 a porter at the hospital was attacked. The first in-patient was admitted on April 25, and fifteen others at later dates. On May 2, 8, and 15 three of the resident medical staff fell ill; on May 21 another porter; and on June 14 and 15 two nurses. The total number of cases observed (staff, in-patients, and out-patients) was 239.

Infection and Contagion.—The Resident Medical Superintendent says: "With regard to infection or contagion, the facts point, in my opinion, to there being none." The disease did not appear among patients already in the wards, although the sixteen cases admitted were distributed according to the routine, and without attempt at separation.

WALTER HULL, M.D.,

Resident Medical Superintendent.

Date of report, 28 June, 1890.

2. PRINCE ALFRED HOSPITAL (GENERAL).

Average daily numbers.—Of resident medical staff, 5; of nursing staff, 57; of general staff, 46; of in-patients, 188. Out-patients (at the hospital) approximate average daily attendance, 90.

Position.—Just outside the city.

Cases of Influenza.—The first case occurred April 3; 9 cases were admitted ill, and 8 cases arose in the hospital; 40 of the staff suffered; and about 80 were attended as out-patients.

Infection and Contagion.—The Resident Medical Superintendent says: "The present illness seems not to be capable of transmission from person to person." The nine cases admitted ill were sent to the medical wards according to routine, and no case arose in those wards. The eight cases that arose in hospital occurred in the surgical wards. Cases cropped up among medical and surgical nurses indiscriminately, and as long as the outbreak lasted there were two or three of them suffering at the same time.

J. F. M'ALLISTER, M.B., CH.B.,

Resident Medical Superintendent.

Date of report, 4 June, 1890.

3. ST. VINCENT'S HOSPITAL (GENERAL).

Average daily numbers.—Of staff, ; of in-patients, .

Position.—In the city.

Cases of influenza.—One case was admitted ill on ; no others occurred or were admitted.

JOHN EGAN, M.B., B. CH.,

Resident Medical Superintendent.

Date of report, 17 June, 1890.

4. HOSPITAL FOR SICK CHILDREN.

Average daily numbers.—Of nursing staff, 13; of in-patients, 40. No cases occurred or were admitted.

GAVIN MORTON, M.B.,

House Surgeon.

Date of report, 18 June, 1890.

NOTE.—But children were not exempt during this epidemic.

5. COAST HOSPITAL, Little Bay, 11 miles from Sydney.

Average daily number.	Number attacked.	Number admitted day by day.						Isolation.	Evidence afforded of infection or contagion.
		April.	May.	June.	July.	August.	September.		
Staff 52	About 26								None.
Patients, 182	Number admitted, 37	{ 30 Mar. } 4	{ 27 April } 2	{ 8 to 14 } 1	{ 29 June } 1	{ 24 to 30 } 2	{ 31 Aug. } 1	None.	
		{ 5 April } 3	{ 3 May } 3	{ 15 to 21 } 2	{ 5 July } 1	{ 6 to 12 } 1	{ 6 Sept. } 1			None.
		{ 6 to 12 } 3	{ 4 to 10 } 3		{ 13 to 19 } 1		{ 7 to 13 } 1	No evidence.	
		{ 20 to 26 } 2	{ 11 to 17 } 2				{ 14 to 28 } 2		
			{ 18 to 24 } 7						
			{ 25 to 31 } 2						

During the weeks not stated no patients suffering from influenza were admitted. (The average daily number of patients was 182; many cases arose in the wards.)

No record of the prevalence of the epidemic among the staff has been kept, as the attacks were not so severe and long-continued as absolutely to necessitate removal to a ward, although the cases were very numerous.

Date of report, 29 October, 1890.

W. PEIRCE, M.D.,

Resident Medical Superintendent.

BENEVOLENT ASYLUMS FOR THE INFIRM AND DESTITUTE—Number of Asylums, 4: average daily number of total staff, 37; average daily number of total inmates, 2,462. Number attacked, 54.

6. George-street, Parramatta (Males).

Average daily number.	Number attacked.	Number attacked day by day.					Stay of first case before attack.	Isolation.	Evidence afforded of infection or contagion.
		May 2.	17	20	27	28			
Staff=10	1	1	.....	.....	.....	.....	9 months ...	Treated in his quarters.	None.
Inmates=878	5	.....	1	1	1	2	2 years... ..	None.....	

Date of report, 10 June, 1890.

W. BRADLEY VIOLETTE, M.B., C.M.,

Government Medical Officer, Parramatta District

7. Macquarie-street, Parramatta (Males),

Average daily number.	Number attacked,	Number attacked day by day.				Stay of first case before attack.	Isolation.	Evidence afforded of infection or contagion.
		April 16,	28	30	May 27			
Staff=10 .....	.....	.....	.....	.....	.....	.....	.....	} None.
Inmates=289	4	1	1	1	1	1 year	None	

Date of report, 3 June, 1890.

W. BRADLEY VIOLETTE, M.B., C.M.,
Government Medical Officer, Parramatta District.

8. Newington Asylum, Newington, near Parramatta (Females).

Average daily number.	Number attacked.	Number attacked day by day.					Stay of first case before attack.	Isolation.	Evidence of infection or contagion.
		April.	May.	June 8.	July.	Aug. and Sept.			
Staff=12	None ...	...	...	...	...	...	.....	.....	The epidemic passing through the establishment.
Inmates=162	44	10	20	8	3	3	The first case was in an old inmate, admitted 21/6/88.	None ...	

Date of report, November, 1890.

WALTER BROWN, M.D.

9. Liverpool Asylum, Liverpool (Males).

Average daily number.	Number attacked.	Number attacked day by day.					Stay of first case before attack.	Isolation.	Evidence of infection or contagion.
Staff=5	None ...	...	...	...	...	...	.....	.....	.....
Inmates=833	None ...	...	...	...	...	.....	.....	.....

Date of report, November, 1890.

E. G. BLAXLAND, M.R.C.S., L.R.C.P.,
Acting Surgeon-Superintendent.

HOSPITALS FOR THE INSANE.

Number of hospitals, 4; average daily number of total staff, 323; of total inmates, 2,812; total number attacked, 13.

10. Callan Park, on Iron Cove, Sydney (Male and Female).

Average daily Number.	Number attacked.		Number attacked day by day.							Isolation.	Evidence afforded of contagion or infection.
			April 5.	April 12.	April 19.	April 26.	May 3.	May 24.	May 31.		
Staff—93	4	Staff	1	1	1	...	1	...	...	The 2nd and 4th of staff were resident in the institution, and were practically not separated at all. The 1st and 3rd lived apart in the grounds and were absent 4 and 3 days respectively.	None whatever.
	3	Children of staff residing in grounds. }	...	...	...	1*	...	1*	1		
Patients—770	None.		None.								

Date of report, 31 May, 1890.

* Brothers.

HERBERT BLAXLAND, M.R.C.S.,
Medical Superintendent.

11. Gladesville, on the Parramatta River, near Sydney (Male and Female).

Average daily number.	Number attacked.	Number attacked during the week ending.			Isolation.	Evidence afforded of contagion or infection.
		April 5.	April 12.	May 10.		
Staff=102	2	1	1	.....	One in own house for four days; the other not at all.	} No apparent connection between the cases.
Patients=762	2	.....	1	1		

Date of report, 31 May, 1890.

ERIC SINCLAIR, M.D., C.M.,
Medical Superintendent.

17. Arakoon Labour-Prison, Trial Bay, about 325 miles north of Sydney—(Males.)

Average daily number.	Number attacked.	Number attacked day by day.													Stay of first case before attack.	Stay of later cases before attack.	Association in relation to attack.	Evidence afforded of contagion or infection.
		April 24	25	May 2	June 7	Sept 14												
Staff { Men..... 13 Women and children.. 65	6 \$1	1	2	1	1	1									Three years.	More than one year.		
Prisoners.....130	44	2	*5	2	2	1	4	1	2	4	4	3			Four months.	Four to twelve months.		See foot-notes.
		1	1	1	2	1	†2	†1	†1	†1	†1	2						

* All slept same hut. † Admitted to hospital. ‡ Arose in hospital after admission of above. § One woman fell ill two days after her husband, but no other woman (and no child) was attacked.

G. H. TAYLOR, L.R.C.P.E., L.R.C.S.E.,
Resident Surgeon.

Date of report, 30 October, 1890.

18. Berrima Gaol, 83 miles from Sydney.

Average Daily Number.	Number attacked.	Mode of attack.	Isolation.
Staff 16	3*	I had 60 cases of ordinary catarrh during April, May, and June, and only one case of influenza (great debility, entire loss of appetite, pain in head, especially behind eye-balls, pains in chest and limbs). Only one case of influenza occurred in the neighbouring village.	An associated prisoner.
Prisoners 91	1		

* One died—a sickly man for ten or twelve years past—of pleuropneumonia.

GEORGE P. LAMBERT, M.R.C.S.,
Visiting Surgeon.

Date of report, 24 October, 1890.

19. Training-ship "Vernon" (for Boys); anchored near Biloela.

Average daily number.	Number attacked.	Number attacked day by day.			Stay of first case before attack.	Isolation.	Evidence afforded of contagion or infection.
		April 25.	April 28.	May 9.			
Staff=16	1	1	Lives ashore; goes on board every day. 1 year	None ... None.	
Confinees=235	2	1	1	.....		

CHARLES U. CARRUTHERS, L.K. et Q.C.P.I., L.R.C.S.I.,
Acting Visiting Surgeon.

Date of report, 19 June, 1890.

APPENDIX IV.

DATA afforded by the experience of certain Departments, &c., which illustrate the degree in which the epidemic was felt in New South Wales and in Sydney, and which have bearing on the question of contagiousness.

1. DEPARTMENT OF PUBLIC INSTRUCTION.

Number of schools under direct control of the Department, 2,373; teachers, 4,002; gross enrolment of district children, 191,215; average attendance, 114,569; year, 1889.

"The experience of the past six months does not show any special interference with school-work through the ailment in question, notwithstanding the unusual atmospheric changes that have occurred. Occasional applications have been received from teachers for leave of absence on account of colds, but not more frequently than in previous years. No school has been closed through the prevalence of the complaint among the pupils.

J. GIBSON

(For Under Secretary, Department of Public Instruction).

Date of report, 29 July, 1890.

NOTE.—It was learned incidentally in a few cases that the average daily attendance was reduced considerably for two or three weeks.—J.A.T.

2. DEPARTMENT OF INSPECTOR-GENERAL OF POLICE.

(Sydney only.)

Total number, 561 males; number invalided for influenza, 62.

ROBERT PATON, F.R.C.S.E.,
Acting Government Medical Officer, Sydney District.

3. DEPARTMENT OF THE HONORABLE THE POSTMASTER-GENERAL.

(Sydney only.)

Among males, numbering about 3,000, the absences for sickness during the first six months of the current year were (roughly) double the average of a series of former years; but the nature of the illness which is the cause of absence is not noted in this Department.

Year.	Clerks.	Mail Guards.	Sorters.	Letter Carriers.	Mail boys, Messengers, and Miscellaneous.	Postmasters and Assistants.	Total.
1886	58	12	40	80	37	28	255
1887	71	12	39	72	45	34	273
1888	66	10	37	96	43	44	296
1889	55	11	49	84	52	54	305
1890 (to 31 July)	58	9	42	88	43	39	279

General Post Office, Sydney, 1 November, 1890.

S. H. LAMBTON,
Secretary.

APPENDIX V.

1. METEOROLOGY.

"During the first half of 1890 pressure has been normal, and temperature slightly below the average, particularly in April. The characteristic of this period has been the excessive and continuous rainfall which has in amount far exceeded that of any other year since 1840, when observations were begun in this Colony—at least in Sydney."

H. C. RUSSELL, F.R.S.
Government Astronomer.

2. PRECEDENT OR CONCURRENT DISEASES AMONG ANIMALS.

No epizootic disease has been reported to this department as being prevalent in the Colony, during the periods named. (April, 1889, to 30th June, 1890.)

ALEX. BRUCE,
Chief Inspector of Stock.

3. PRECEDENT OR CONCURRENT PREVALENCE OF MOULDS, INSECTS, &C.

THE Pathologist reports that the spores of the common moulds (*mucor* and *penicillium*) were unusually abundant in the region of Sydney during the first six months of 1890. His observations, however, did not extend beyond this period.

The Entomologist reports that in October and November, 1889, vast swarms of bugong moths (*agrotis spina*, Gn.) appeared about Sydney and throughout the coast districts of New South Wales, the caterpillars of which afterwards caused great damage to herbage of various kinds. In January, 1890, a large water-scorpion (*belostoma indicum*) was extraordinarily abundant about Sydney, often being attracted in tens and twenties by a single conspicuous light. Indeed insects of all kinds were unusually abundant during last summer, owing no doubt to the ample rains and consequent abundance of food.

HENRY CH. ANDERSON,
Director of Agriculture.

APPENDIX VI.

REMARKS upon Sporadic cases at Hillston, of July and August, 1889, reported by Dr. C. H. Soutar.

Upon further application Dr. C. H. Soutar was good enough to furnish the following notes:—

"The case of July 15, 1889, was one of a gentleman holding a Government appointment here; aged 45 to 50; occupation sedentary, and taking very little exercise; healthy theretofore; not removed from the district for any length of time during a year before attack; is married and has a family, but the disease appeared in none of his household other than himself." In his reply to the circular, Dr. Soutar gave the following brief abstract of the symptoms and duration of this case: "Rise of temperature, 102-3; headache, lumbar and muscular pains; vomiting; sleeplessness; want of appetite; pain in chest and abdomen, with corresponding catarrhal symptoms of respiratory and intestinal tracts during convalescence, followed by continued and very severe neuralgia; much prostration; duration of active stage, five or six days." And, in his second communication, Dr. Soutar describes the following case, at the same period, occurring to the housekeeper at a station about 10 miles from Hillston: "Dr. Herbert Evans (now of Brompton, near Adelaide), who was then on a visit here, together with myself, at first took the case to be one of abortive (?) enteric fever; but we came in a day or two to agree that it was undoubtedly influenza. It was of a typical character, viewed in respect to the recent epidemic—orbital and frontal pains, myalgias of extremities and back, pyrexia and intestinal pains being marked features. Apparent mildness of symptoms and disproportionate protractedness of recovery, with fainting fits and great weakness, were in exact accordance with what have marked the general run of later cases." These were isolated cases. They were followed many months later by another series which belong to the epidemic period; these began in a number doubtfully distinguishable from epidemic (seasonal) catarrh, which became mingled with typical cases of influenza, and gradually yielded entirely to that disease.

APPENDIX VII.

REMARKS upon Shearing-shed Fever (sometimes called Fog-fever).

1. Dr. George A. Boodle, Walcha, writes:—

Our epidemics of catarrh of an influenza form are not confined to the shearing season, but may appear at any time; but in my experience of eleven years, chiefly in this district, it always appears more or less at that time, obtains its greatest development in shearing sheds, and appears to spread from them to the surrounding population, as though contagious, though I have no direct evidence to prove that is so. As we have an altogether unusual number of sheds within a few miles of the town, it is more likely to be marked here than in other places.

It is most marked in dry sunny springs, when there is great sun-heat and cold wind, when men get overheated in the sheds or in working in the sunshine, work producing abundant perspiration and the probability of subsequent chill. It was particularly prevalent in the shearing seasons of 1886 and 1887, and much less than usual in 1888 and 1889. Shearing begins here about 1st November and ends early in December, a time when, in this climate, there is apt to be a great daily temperature range (40° or more, sometimes 80° to 30°, and I have taken daily observations for many years), and a great difference between sun and shade temperature.

The complaint usually begins with dryness and soreness of the naso-pharynx, speedily followed by great prostration—the strong men so frequently attacked being forced to lie up—chills, pains in the limbs, frontal headache, fever, and general malaise. The face looks pinched, pale, and dusky, or sometimes flushed, eyes dull, and appearance of severe illness. At first sight, cases often suggest typhoid fever. The duration is about three or four days, and convalescence fairly rapid; but relapses, often repeated, are common. It does not often lead to lung complications, but pneumonia and pleurisy are often prevalent at the same time. As in the late influenza, many of the cases simply follow the course of ordinary catarrh.

The

The great influenza epidemic differs from this only in matters of degree:—

- (1.) A far larger number of people were attacked.
- (2.) A greater number of cases (something less than half) had no respiratory catarrh, and gastro-intestinal affections were more common.
- (3.) A greater proportion of children were attacked.
- (4.) The fever, I am inclined to think, was as a rule higher.

To sum up,—I should have no reason to suppose that the shearers' affection was a distinct form of catarrh, following as it usually does certain climatic conditions, and predisposing conditions of employment, and being, as it often is, much mixed up with other results of the same causes. But it is worthy of notice for the following reasons:—

- (1.) It has acquired popular recognition as a distinct disease, known as the "dog disease," or "shearers' cold."
- (2.) Its remarkable likeness to the late influenza epidemic.
- (3.) Its appearance of contagiousness and spreading from the sheds.
- (4.) Many cases equal in severity the worst cases in the late epidemic.

Walcha, 21 July, 1890.

I am, &c.,
GEORGE A. BOODLE, M.R.C.S., L.S.A.,
Government Medical Officer.

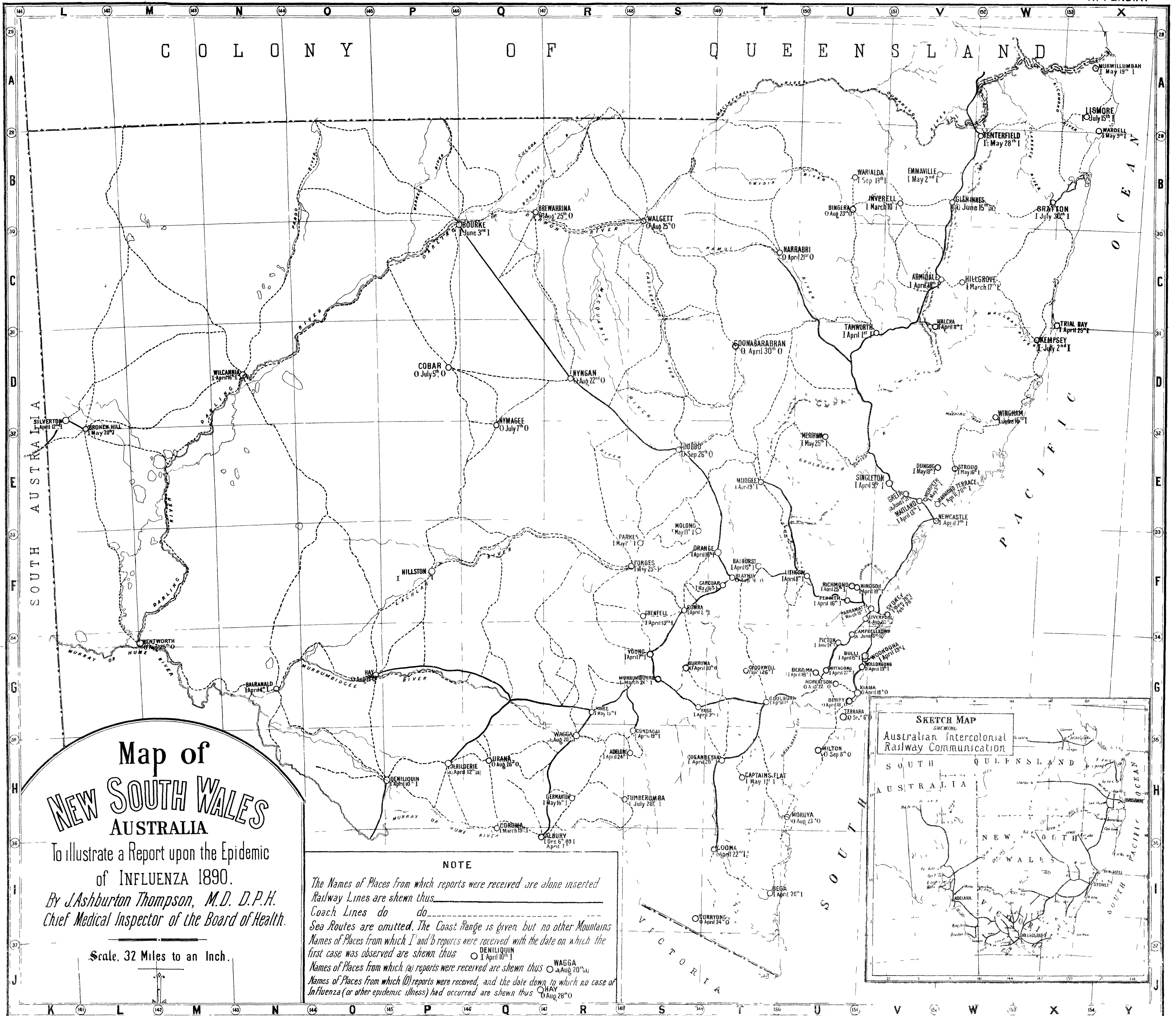
2. Dr. Colpe, of Nymagee, draws the following distinctions between influenza and shearing-shed fever:—Influenza (as observed during present epidemic); mostly sudden onset, but in about 10 per cent. of cases previous eight or ten days of ill-health. Violent pains over eyes and in eyeballs, pains in back and limbs; temperature 100 to 102; cough in many cases. It differs from the epidemic catarrh often seen in this Colony. It closely resembles the catarrh common here among shearers at shearing time only; but, the elevation of temperature is higher; the pains are not limited to the back and lower ribs, but are almost invariably also in forehead, often in lower limbs. Complicating symptoms are, tinnitus, spasm in arms and legs, tenesmus vesicæ, vomiting not infrequent. He also writes:—"To give information about the so-called 'shearing-shed catarrh' as correctly as possible, I decided to watch the disease more closely this year than I had done before, but to my regret all sheds have cut out now, without any fresh cases occurring. The disease, as it comes under the notice of the general practitioner, usually offers little clinical interest, the patients being rarely seen personally by their medical attendant; the sheds are mostly far away from town, the men are apparently not dangerously ill, and therefore the station-manager usually only sends a letter roughly describing the symptoms under which a number of the hands took ill; the medicine is then sent out to them—mostly expectorants and powders of acetanilid and Dover's powder in equal doses. Some of the men ride into town, but when seen by the doctor they usually are already greatly under influence of drink, and are no good subjects for observation. A number of cases, however, become complicated later on with true croupous pneumonia, of which I saw seven instances last year, and eight the previous year, in a district and amongst a population where pneumonia otherwise is extremely rare. Of the not complicated cases I have, I must admit, hitherto taken but little notice; and I regret that, at this season, for the first time, the disease did not appear. * * * Shearing having been delayed this year into the warmer season, on account of the various strikes, has possibly been the cause of the immunity this time."

I am, &c.,
J. COLPE, M.D. (Leipzig).

3. Dr. Lyttleton, of Adelong, gives the following account:—"I regret to say that I have but few notes re fog fever, shearers' catarrh, or in Temora, euphoniouly called Temora rot. I have been here eight years, but saw no fog fever till 1885 to 1889. There has been none this year, which is curious considering the influenza epidemic and the specially rough, cold, and wet season. Fog fever here has generally, temperature 103-105, pains all over especially in head, always more or less bronchitis, with patches of mild pneumonia, sometimes capillary bronchitis. The pneumonia is usually of a mild type, but in 1886 there were three deaths from severe pneumonia. The influenza here was not very severe except a few cases amongst children; symptoms much the same as fog fever, but pain in head and limbs more severe, attack of shorter duration, but in almost every case leaving severe pain in thorax, or in my own case pain for six weeks in right iliac fossa. This after pain has in many cases been very severe and far more annoying than the actual attack. Whether the pain was in thorax or abdomen, in no case could I find any cause, and it usually wore off after a longer or shorter period, not exceeding two months. In influenza here there was great lassitude for a considerable time after the attack was over. I cannot believe either complaint to be contagious, as in many cases only one member of a large family was attacked. In my own household, I was the only one. I do not see that there is any practical difference either in symptoms or treatment between fog fever and influenza."

I am, &c.,
W. MARGRAVE LYTTLETON, M.R.C.S.
J. ASHBURTON THOMPSON, M.D., D.P.H.

[One Map.]

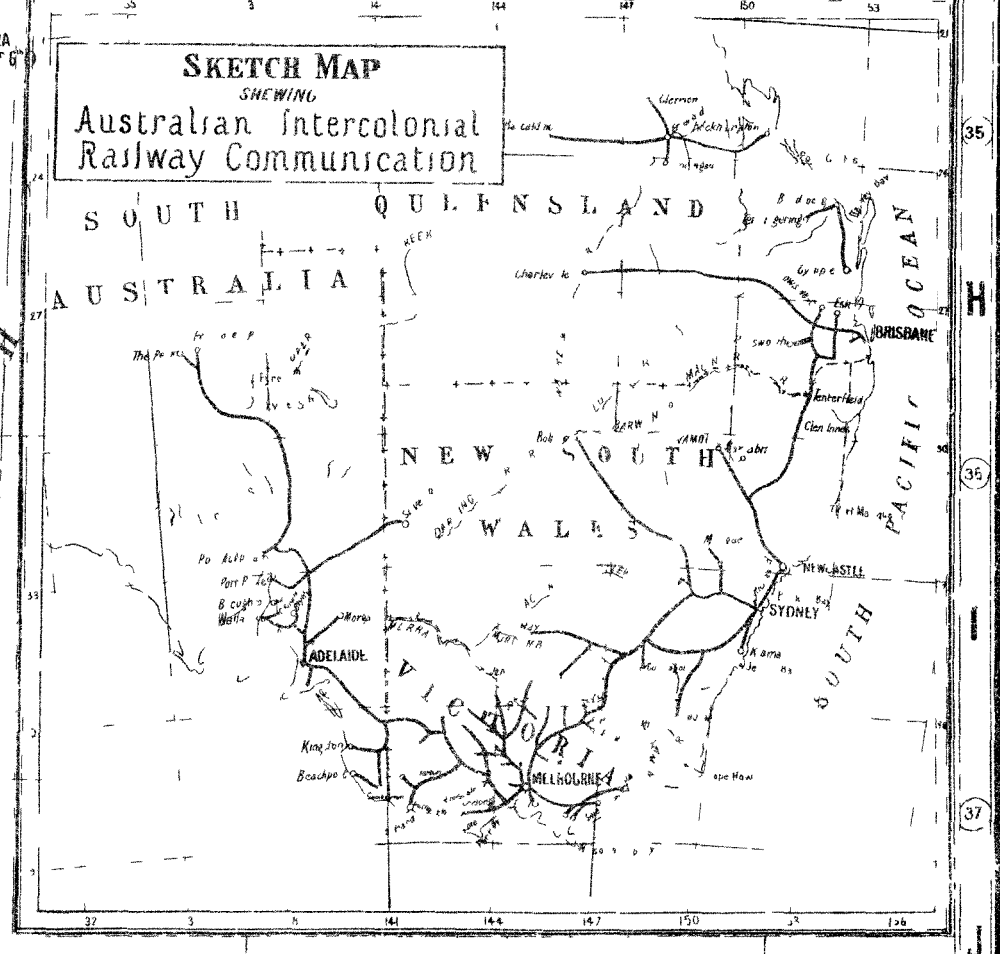


Map of NEW SOUTH WALES AUSTRALIA

To illustrate a Report upon the Epidemic
of INFLUENZA 1890.
By J. Ashburton Thompson, M.D. D.P.H.
Chief Medical Inspector of the Board of Health.

Scale, 32 Miles to an Inch.

NOTE
The Names of Places from which reports were received are alone inserted
Railway Lines are shewn thus —————
Coach Lines do do - - - - -
Sea Routes are omitted. The Coast Range is given but no other Mountains
Names of Places from which 'I' and 'b' reports were received with the date on which the
first case was observed are shewn thus DENILIQIN (I April 10th)
Names of Places from which (a) reports were shewn thus WAGGA (a Aug 20th)
Names of Places from which (O) reports were received, and the date down to which no case of
Influenza (or other epidemic illness) had occurred are shewn thus HAY (O Aug 28th)



1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MAINTENANCE OF SICK PAUPERS.

(REPORT ON VOTES FOR THE YEARS 1887, 1888, 1889.)

Ordered by the Legislative Assembly to be printed, 7 May, 1890.

The Medical Adviser to the Government to The Colonial Secretary.

Board of Health Office,
127, Macquarie-street, Sydney,
1st May, 1890.

Sir,

I do myself the honor to submit herewith a Report on the administration of the Votes for the Maintenance of Sick Paupers for the years 1887, 1888, and 1889.

In addition to the vote taken annually for the "Maintenance of Sick Paupers" special votes are taken for the Maintenance of the Coast Hospital, for Medical Attendance on Aborigines, for expenses contingent on special outbreaks of disease, and also votes in aid of the metropolitan, suburban, and country hospitals "on condition of an equal amount being raised by private contribution."

In the case of all the hospitals, it is understood that in consideration of this vote in aid of the funds, the Directors or Committees will admit free of charge all accidents and urgent cases brought to their doors, and in the case of the country hospitals, there is the additional condition that "the Government, through Police Magistrates or other approved officers, have the right of recommending the admission of patients." In the case of the two main metropolitan hospitals this condition is not imposed, and they are thus treated with greater liberality than the country and suburban institutions. This has apparently arisen from a consideration of the much greater number of accidents which occur in the metropolis and the large number of urgent and necessitous cases which flock into Sydney from country districts for medical relief.

The number of patients who have been taken to the metropolitan hospitals by the police, or on whose account urgent orders have been issued from the Medical Adviser's Office during the years 1887-8-9, is shown in the following return, which will be again referred to in a subsequent part of this Report. These numbers include such cases of typhoid fever as could not for special reasons be taken to the Coast Hospital. All the cases were paid for by the Government at the rate of 3s. per diem. For cases admitted under similar conditions into country hospitals no payment is made.

ORDERS issued by the Medical Adviser in urgent cases, and in cases taken to Hospital by the Police, or transferred from Government Institutions for special treatment:—

1887.

Hospital.	Jan.	Feb.	March.	April.	May.	June.	July.	August.	Sept.	Oct.	Nov.	Dec.	Total.
Prince Alfred.....	52	60	61	44	55	56	60	54	61	53	65	44	665
*Sydney	10	24	26	45	30	46	49	61	55	52	37	47	482
1888.													
Prince Alfred.....	14	16	14	13	19	17	9	20	12	12	13	12	171
*Sydney	33	25	31	22	26	27	18	18	17	32	21	31	301
1889.													
Prince Alfred.....	12	11	13	9	11	14	6	7	12	10	8	8	121
*Sydney	35	28	22	22	15	13	14	10	10	16	11	20	216

* Includes also orders given on the Moorcliff Ophthalmic Hospital.

The history of the administration of the vote which is taken annually for the "maintenance of sick paupers" is, briefly, as follows:—

Up to the year 1884 the orders for admission to the Metropolitan Hospitals of patients chargeable to this vote were issued from the Colonial Secretary's Office on recommendations signed by clergymen, magistrates, and a number of other official and unofficial persons. But little inquiry appears to have been made into the pecuniary circumstances of the applicants. In many cases forms of recommendation were taken direct to the hospitals, the applicants were admitted, and the recommendations exchanged for orders by the hospital authorities at the Colonial Secretary's Office once a month or at other fixed times. In some instances large numbers of recommendations were issued by persons who had no means of ascertaining the position of the applicants, and it is on record that one gentleman who had no official position issued about 300 of these recommendations annually.

In August, 1884, the Colonial Secretary, on the recommendation of Dr. Mackellar, then Medical Adviser to the Government, approved of a special Hospital Admission Depôt being established under the control of the Inspector of Public Charities at 407 Pitt-street, and the system of issuing orders direct from the Colonial Secretary's Office was practically abolished, though these orders have occasionally been issued in special cases since this and up to the present date. At the Hospital Admission Depôt under the altered arrangements an officer of the Public Charities Department made inquiries into the pecuniary condition of the applicants, and a medical practitioner, specially engaged for the service, examined the patients as to their fitness for hospital care and issued admission orders on the hospital in which they could be most fitly treated for the ailments under which they were suffering.

This arrangement continued up to November, 1886, when some difficulties having arisen, and there appearing to be reason for exercising a more complete medical control over the administration of the votes for pauper patients, the Inspector of Public Charities ceased to perform the duties in connection therewith, and, under the direction of the Colonial Secretary, the Medical Adviser undertook the administration of the vote. At the same time the supervision of the issue of orders for urgent cases and for patients taken to hospital by the police, was also placed in the hands of the Medical Adviser. The general arrangements were not at once altered. The Depôt remained at 407 Pitt-street, a medical practitioner was still specially employed, and the inquiry as to the pecuniary circumstances of applicants was undertaken by an officer of the Medical Adviser's Department; but on January 3rd, 1887, new arrangements were made. The Depôt was changed to rooms at the top of King-street, near the District Court. The Government Medical Officer for Sydney undertook the medical examination of the applicants and their assignment to the hospitals or asylums for which the nature, severity, or special circumstances attending their ailment rendered them fit subjects, and attended at the Depôt from 10 to 12 o'clock daily, and the inquiries as to pecuniary means were continued by an officer of the Medical Adviser's Department under improved arrangements which rendered anything like imposition more difficult.

The arrangements made in January, 1887, have been continued with but little alteration until the present time, and the following returns show the general work done at the Depôt for the years 1887, 1888, and 1889, and give the number of applications for medical relief in each month and each year, and the mode in which they were dealt with. The returns for the year 1887 are somewhat less complete as to details than those for the two following years.

TABLE

TABLE showing the Number of Applicants at the Hospital Admission Depôt during the year 1887, and how such Applications were treated :—

Nature of order issued, or if order was refused.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.	Remarks.
Admission to— Coast Hospital	86	83	113	91	86	106	83	121	113	102	105	94	1,183	No record was kept of the orders for out-door treatment and trusses granted during the first half of the year, nor of those refused orders.
Prince Alfred Hospital ...	54	60	67	33	51	39	36	30	50	51	30	31	532	
Sydney Hospital (including Moorecliff Hospital). Asylums for the Infirm and Destitute.	24	24	65	94	52	35	55	71	58	82	79	57	696	
Orders for out-door Hospital treatment.	...	...	...	...	...	...	5	10	16	23	23	19	96
Trusses .....	...	...	...	...	...	...	1	...	2	...	3	3	9
Refused orders .....	...	...	...	...	...	...	45	49	4	7	9	17	131
Total	273	257	294	226	195	185	236	290	276	322	317	270	3,141	

TABLE showing the number of Applicants at the Hospital Admission Depôt during the year 1888, and how such Applications were treated :—

Orders issued on following Institutions or refused.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.	Remarks.
Admission to— Coast Hospital	76	128	107	143	112	102	134	107	109	136	130	96	1,380	Those refused orders were not considered sufficiently ill to need hospital care, or were in a position to pay for the treatment necessary.
Prince Alfred Hospital ...	48	67	72	41	46	32	42	50	38	50	58	50	594	
Sydney Hospital (including Moorecliff Hospital). Asylums for the Infirm and Destitute.	70	68	85	90	95	76	62	61	60	79	72	78	896	
Orders for out-door Hospital treatment.	39	36	46	39	37	31	35	40	27	35	30	30	425	
Trusses	2	5	2	9	6	1	2	2	4	4	9	5	51	
Refused orders	22	12	...	9	10	6	22	8	16	10	10	2	127	
Total	345	376	371	364	365	300	345	332	310	362	385	335	4,190	

APPLICATIONS at the Hospital Admission Depôt during 1889 for Admission to the Metropolitan Hospitals, showing how such Applications were dealt with :—

Nature of order issued, or if applicant was refused an order.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.	Remarks.
Admission to— Coast Hospital	118	123	114	83	120	111	120	124	124	160	114	82	1,393	Those refused orders were not considered sufficiently ill to need hospital care, or were in a position to pay for the treatment necessary.
Prince Alfred Hospital ...	50	35	28	20	37	33	16	16	25	36	47	37	380	
Sydney Hospital (including Moorecliff Hospital). Asylums for the Infirm and Destitute.	77	92	94	90	66	93	75	60	49	57	51	71	875	
Orders for Out-door Hospital treatment.	38	59	61	66	50	61	65	80	80	93	95	105	853	
Trusses	8	3	5	3	5	5	6	6	1	8	4	5	59	
Refused	14	10	9	11	53	40	78	35	43	38	27	29	387	
Total	386	415	431	358	378	394	422	363	370	447	334	405	4,753	

From these returns, it will be seen that the number of applications was 3,141 in 1887, 4,190 in 1888, and 4,753 in 1889; but that it was not necessary to give orders for medical or hospital treatment to more than 2,411 in 1887, 2,870 in 1888, and 2,648 in 1889, the other cases receiving recommendations for admission to the Asylums for the Infirm and Destitute, orders for out-door hospital treatment, or for trusses—or being refused as unfit subjects for State relief.

The number of recommendations for admission to the Government Asylums for the Infirm and Destitute rose from 494 in 1887 to 717, and 806 in 1888 and 1889 respectively; and the number refused relief in the latter year was much larger than in the two preceding.

The arrangements have on the whole worked satisfactorily, and there is good reason to believe that the sick poor receive more prompt and suitable hospital relief than was formerly the case, at a diminished cost to the Government.

In addition to the orders for admission to hospitals issued from the Hospital Admission Depôt, a number of other orders are issued, as has already been shown, from the Medical Adviser's Office for urgent cases—for cases taken to the Hospital by the police or the Government officials, for transfers from Government Institutions, and for special cases of typhoid fever. These orders numbered 1,459 in 1887, 788 in 1888, and 777 in 1889.

During the time that the vote for pauper patients was under the charge of the Inspector of Public Charities a system had grown up under which the Directors of the Sydney and Prince Alfred Hospitals claimed and received orders for payment in the case of all patients suffering from urgent sickness who presented themselves at the hospital doors. In these cases little, if any, inquiry was made as to the pecuniary means of the applicants; and the system was open to other abuses. In the course of time the number who applied direct to the hospitals was nearly as large as the number making application at the Hospital Admission Depôt. In a memo. on the subject by the Medical Adviser, dated December, 1887, it was shown that during the first eleven months of that year at the Prince Alfred Hospital only 501 patients were sent from the Depôt, whilst 617 were admitted direct by the Hospital authorities, for whose treatment payment was from the Pauper Vote; and at the Sydney Hospital 639 were sent from the Depôt, and 431 admitted by the Hospital authorities, and payment made from the same Vote.

There was thus practically no check on the part of the Government over nearly one-half of the large expenditure incurred. In November, 1885, the Medical Adviser, Dr. MacLaurin, pointed this out to the Colonial Secretary, and, at his suggestion, lists with reports in each case were asked for from the hospital authorities at the end of each month, and these were submitted to the review of the medical officer attached to the Hospital Admission Depôt before the vouchers for payment were passed. This check was not, however, found sufficient to prevent abuses at that time, or even after the management of the vote had passed into the hands of the Medical Adviser.

From the returns showing the number of urgent cases admitted in 1887, it will be seen that 1,147 patients were admitted direct into the Sydney and Prince Alfred Hospitals in this way, as against 1,228 admitted during the same year through the Admission Depôt. At the Prince Alfred Hospital the number admitted direct was 665, as against 532 admitted through the Hospital Depôt. On 1st December, 1887, the Medical Adviser pointed out to the Colonial Secretary that the metropolitan hospitals were doing little or nothing—except admitting accidents free of cost—for the annual grant of £4,000 made to each of them on the understanding that they, as well as the country hospitals, should admit all urgent and necessitous cases, as well as accidents, on condition of receiving £ for £, according to the amount of subscriptions collected; that the vote for medical relief to pauper patients had been much exceeded; that the expenditure under this head was rapidly increasing, and that nearly three-fourths of the patients in the Sydney and Prince Alfred Hospitals were paid for by the Government, who, in addition, were at the sole charge of supporting the Coast Hospital at Little Bay, and besides subsidised the metropolitan hospitals to the extent of £4,000 a year each.

The Medical Adviser recommended that no persons should be allowed to become a charge upon the Pauper Vote, excepting those who were sent to the Hospital through the Hospital Admission Depôt, through the police, or through the recognised Government officer. These recommendations were approved by the Colonial Secretary on December 20th, 1887, and have been acted on since January 4th, 1888, the date on which the Colonial Secretary's decision was conveyed by letter to the hospital authorities.

The Directors of both hospitals appealed to the Colonial Secretary, in 1888, to alter the decision arrived at; but the Directors of the Sydney Hospital appear to have since acquiesced therein, and accepted the situation—the Directors of the Prince Alfred Hospital made a further appeal early in the present year.

The following returns show in half-yearly periods the number of patients admitted into the Sydney and Prince Alfred Hospitals at the Government expense during the years 1887, 1888, and 1889, together with the average daily stay of each patient in hospital; the cost to the Government, and other particulars. The returns for the first half of 1887 are less complete than those for the subsequent periods. In those for the last half of 1889 the cost of patients at the Ophthalmic Hospital, Moorcliff, is given separately. It should be noted that burial fees, besides ambulance and other charges, are paid by the Government. On a comparison of these returns, which show the admissions to the Sydney and Prince Alfred Hospitals, with the returns previously given showing the number of Government orders given, it will be seen that in 1888 72, and in 1889, 39 of the orders issued were not made use of by the persons to whom they were given.

JANUARY 1 TO JUNE 30, 1887.

Hospital.	Remaining in on December 31.			Admissions.			Discharges.			Deaths.			Remaining in on June 30.			Total of all kinds of patients in on June 30.			Average stay of patients discharged.	Days.	Amount.	Burials.	Trusses and Ambulances.	Credit.	Actual Cost.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.							
Sydney and Moorecliff	No record kept of the number of patients treated.																		15,153	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Prince Alfred																			24,061	3,609 3 0	10 2 6	3 13 6	86 10 6	3,536 8 6	
Total																		39,214	5,832 2 0	51 12 6	5 1 0	125 8 6	5,813 7 0		

JULY 1 TO DECEMBER 31, 1887.

Hospital.	Remaining in on June 30.			Admissions.			Discharges.			Deaths.			Remaining in on December 31.			Total of all kinds of patients in on December 31.			Average stay of patients discharged.	Days.	Amount.	Burials.	Trusses and Ambulances.	Credit.	Actual cost.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.							
Sydney and Moorecliff	49	36	85	399	258	657	314	222	536	53	14	67	81	58	139	124	68	192	27 ² / ₇	16,467	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Prince Alfred.....	82	49	130	322	250	572	320	226	546	30	19	49	54	53	107	111	70	181	32 ³ / ₄	19,434	2,915 2 0	5 5 0	6 6 0	42 14 0	2,883 19 0
Total	131	84	215	721	508	1,229	634	448	1,082	83	33	116	135	111	246	235	138	373	29 ¹ / ₈	35,901	5,385 3 0	58 10 0	8 17 6	91 6 6	5,361 4 0

JANUARY 1 TO JUNE 30, 1888.

Hospital.	Remaining in on December 31, 1887.			Admissions.			Discharges.			Deaths.			Remaining in on June 30.			Total of all kinds of patients in on June 30.			Average stay of patients discharged.	Days.	Amount.	Burials.	Trusses and Ambulances.	Credit.	Actual Cost.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.							
Sydney and Moorecliff	81	58	139	382	222	604	356	228	584	45	16	61	62	36	98	149	65	214	34 ² / ₃	22,365	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Prince Alfred.....	54	53	107	226	174	400	206	178	384	31	20	51	43	29	72	113	78	191	43 ² / ₅	19,093	2,863 19 0	39 5 0	12 12 0	53 16 3	2,861 19 9
Total	135	111	246	608	396	1,004	562	406	968	76	36	112	105	65	170	262	143	405	38 ² / ₈	41,458	6,218 14 0	84 0 0	17 19 6	107 16 3	6,212 17 3

JULY 1 TO DECEMBER 31, 1888.

Hospital.	Remaining in on June 30.			Admissions.			Discharges.			Deaths.			Remaining in on December 31.			Total of all patients in on December 31.			Average stay of discharged patients.	Days.	Amount.	Burials.	Trusses and Ambulances.	Credit.	Actual cost.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.							
Sydney and Moorecliff	62	36	98	334	184	518	293	162	455	30	20	50	73	38	111	141	72	213	34 $\frac{3}{10}$ $\frac{1}{5}$	17,549	£ s. d. 2,632 7 0	£ s. d. 41 0 0	£ s. d. 3 17 6	£ s. d. 43 1 6	£ s. d. 2,634 3 0
Prince Alfred	43	29	72	216	151	367	184	124	308	32	24	56	43	32	75	123	79	202	41 $\frac{5}{8}$ $\frac{6}{1}$	15,148	2,272 4 0	54 10 0	32 11 0	12 8 6	2,346 16 6
Total	105	65	170	550	335	885	477	286	763	62	44	106	116	70	186	264	151	415	37 $\frac{5}{8}$ $\frac{4}{5}$	32,697	4,904 11 0	95 10 0	36 8 6	55 10 0	4,980 19 6

JANUARY 1 TO JUNE 30, 1889.

Hospital.	Remaining in on December 31, 1888.			Admissions.			Discharges.			Deaths.			Remaining in on June 30.			Total of all patients remaining in on June 30.			Average stay of discharged patients.	Days.	Amount.	Burials.	Trusses and Ambulances.	Credit.	Actual cost.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.							
Sydney and Moorecliff	73	38	111	405	203	608	378	177	555	33	16	49	67	48	115	161	91	252	36 $\frac{2}{3}$ $\frac{4}{5}$	22,242	£ s. d. 3,336 6 0	£ s. d. 37 2 6	£ s. d. 4 17 6	£ s. d. 4 0 0	£ s. d. 3,374 6 0
Prince Alfred	43	32	75	162	115	277	162	108	270	15	8	23	29	31	60	111	78	189	43 $\frac{2}{3}$ $\frac{2}{5}$	12,825	1,923 15 0	13 8 0	18 18 0	20 9 0	1,935 12 0
Total	116	70	186	567	318	885	540	285	825	48	24	72	96	79	175	272	169	441	39 $\frac{2}{3}$ $\frac{6}{5}$	35,067	5,260 1 0	50 10 6	23 15 6	24 9 0	5,309 18 0

JULY 1 TO DECEMBER 31, 1889.

Hospital.	Remaining in on June 30.			Admissions.			Discharges.			Deaths.			Remaining in on December 31.			Total of all patients remaining in on December 31.			Average stay of discharged patients.	Days.	Amount.	Burials.	Trusses and Ambulances.	Credit.	Actual Cost.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.							
Sydney	44	30	74	185	147	332	177	136	313	21	12	33	31	29	60	} 156	83	239	33 $\frac{1}{7}$ $\frac{4}{3}$	11,466	£ s. d. 1,719 18 0	£ s. d. 27 12 6	£ s. d. 5 17 6	£ s. d. 3 10 0	£ s. d. 1,749 18 0
Moorecliff	23	18	41	65	42	107	64	43	107	...	...	...	24	17	41				90 $\frac{2}{5}$ $\frac{4}{3}$	9,588	1,438 4 0	.....	.....	1 10 0	1,436 14 0
Prince Alfred.....	29	31	60	140	89	229	120	96	216	8	6	14	41	18	59				125	72	197	35 $\frac{1}{11}$ $\frac{1}{15}$	8,264	1,239 12 0	4 4 0	18 18 0	7 10 0	1,255 4 0
Total	96	79	175	390	278	668	361	275	636	29	18	47	96	64	160	281	155	436	42 $\frac{0}{3}$ $\frac{2}{3}$	29,318	4,397 14 0	31 16 6	24 15 6	12 10 0	4,441 6 0

6

The following return is a summary of the payments made for the maintenance of patients in both hospitals during the three years 1887, 1888, and 1889. From this it will be seen that the Sydney Hospital, including the Moorcliff branch for Ophthalmic cases, has received £17,300 2s., or an average of upwards of £5,766 a year; and the Prince Alfred Hospital £14,819 19s. 9d., or an average of upwards of £4,939 a year for this period. These sums it will be understood are in addition to the £4,000 a year given as a conditional endowment to each of these hospitals.

The Sydney Hospital is further benefited by the Government paying £400 a year for the rent of "Moorcliff," Miller's Point, which is used as an Ophthalmic Hospital in connection with the Sydney Hospital. For this special payment there does not appear to be any good and sufficient reason, since all the patients sent to this institution on Government orders—who constitute three-quarters of the total number of inmates—are paid for by the Government at the rate of 3s. a day, whilst the cost for medical treatment, nursing, and care of this class of patients, is very decidedly less than for ordinary hospital cases. The total sum paid by the Government to the Sydney and Prince Alfred Hospitals during the three years 1887, 1888, 1889, exclusive of subsidies for special purposes, was £57,320 1s. 9d., or an average of upwards of £19,106 a year.

The expenses of the Coast Hospital, which are borne entirely by the Government, amount to an average of £9,735 a year for the same period, so that about £30,000 a year is spent by the Government in medical relief in the metropolis; in addition to grants to suburban and country hospitals, payments for attendance of aborigines, expenses attending special outbreaks of disease in country districts which are met from the general medical vote, and the maintenance in the Asylums for the Infirm and Destitute of a large number of chronic and incurable hospital cases.

RETURN showing the Payments made for the Maintenance of Pauper Patients during each half-year from January, 1887, to December, 1889.

Period.	Sydney Hospital, including Moorcliff.	Prince Alfred Hospital.
	£ s. d.	£ s. d.
January to June, 1887.....	2,276 18 6	3,536 8 6
July to December, 1887	2,477 5 0	2,883 19 0
January to June, 1888.....	3,350 17 6	2,861 19 9
July to December, 1888	2,634 3 0	2,346 16 6
January to June, 1889.....	3,374 6 0	1,935 12 0
July to December, 1889	{ Sydney 1,749 18 0 { Moorcliff..... 1,436 14 0	} 1,255 4 0
	17,300 2 0	14,819 19 9

NOTE.—For the last half-year the amounts paid for treatment of patients in Sydney and the Moorcliff Hospitals are shown separately.

During part of the year 1887, in consequence of special directions from the Colonial Secretary, whose attention had been directed to the temporary character of some of the buildings at the Sydney Hospital, their liability to fire, and the imperfect means of dealing with this, should it at any time occur, Government male patients were not sent to the Sydney Hospital; but with the exception of this period, the Government patients have been distributed between the two establishments, having regard to the number of vacant beds and the special accommodation available. The falling off in the number of the Government patients sent to the Prince Alfred Hospital during the year 1889 is explained by the Government Medical Officer charged with the examination of patients at the Admission Depot, as follows:—

"1st. The Hospital used to send their ambulance regularly; now it only comes occasionally, and the distance of the Prince Alfred Hospital from where the tram stops precludes my sending patients unless they are able to walk a quarter of a mile. A cab from the Admission Depot to the Hospital costs 3s.

"2nd. From July 13th to September 24th the wards of the Prince Alfred Hospital were closed, except for urgent cases, owing to painting, cleaning, &c."

Dr. Strong further reports:—"The Sydney Hospital being in the centre of population, and the Prince Alfred Hospital almost on its outskirts, pauper patients naturally apply at the former for admission, and the Medical Superintendent sends them to me for an order for admission, which in most cases I comply with.

"Then, again, the Sydney Hospital places a greater number and a better variety of special beds at my disposal, including beds for female 'lock' and ophthalmic cases.

"Could I do as I would wish, I should send more pauper patients to the Prince Alfred Hospital, for the authorities there are particularly obliging, and have never refused admission to any case sent with my orders, which I cannot say of the sister hospital."

The system on which selection of the cases for the different hospitals is made, is that every morning a return of the number of vacant beds at the Coast, the Sydney, and the Prince Alfred Hospitals is placed before the Government Medical Officer, such return specifying the beds available for the male and female cases and the wards in which they are placed, as "General Medical," or "General Surgical," "Special," "Fever," "Infectious Diseases," "Ophthalmic," "Lock," &c., &c. The applicants are sent to fill the vacant beds, regard being had to the special nature and severity of the cases and their ability to reach the more distant hospitals without aggravation of their symptoms—the advisability of sending as many of the cases as possible to the Coast Hospital, where the expenses are less than at the Metropolitan Hospital, being always kept in mind.

The following statement shows the disbursements from votes for the maintenance of sick paupers, 1887–1889, and includes, as will be seen, a sum of £2,000 19s. 6d., properly chargeable to the year 1886.

STATEMENT

STATEMENT showing Disbursements from Votes for the Maintenance of Sick Paupers—1887 to 1889.

1887.		£	s.	d.	1887.		£	s.	d.
By amount of vote on the Appropriation Act of 1887 for the maintenance of sick paupers, for the service of 1887 and previous years		7,500	0	0	Paid for the support of paupers for the service of the year 1886		2,104	19	6
Amount provided on the Appropriation Act of 1888—supplementary—for 1887 and previous years		5,000	0	0	to Sydney Hospital for the maintenance of pauper patients during 1887.....		4,364	3	9
		12,500	0	0	to Prince Alfred Hospital for the maintenance of pauper patients during 1887		6,030	7	9
							12,499	11	0
1888.					1888.				
By amount of vote on the Appropriation Act of 1888 for the service of 1888 and previous years		9,000	0	0	Paid for the support of paupers for the service of the year 1887— Sydney Hospital	389	19	9	
Amount provided on the Appropriation Act of 1889—supplementary—for 1888 and previous years		3,026	6	0	Prince Alfred Hospital	389	19	9	
							779	19	6
		12,026	6	0	to Sydney Hospital for the maintenance of pauper patients during 1888.....		5,985	0	6
					to Prince Alfred Hospital for the maintenance of pauper patients during 1888		5,208	16	3
					to Railway Department.....		13	6	5
							11,987	2	8
1889.					1889.				
By amount of vote on the Appropriation Act of 1889 for the service of 1889 and previous years		9,000	0	0	Paid to Sydney Hospital for the maintenance of pauper patients during 1889.....		6,560	18	0
Amount specially advanced from Treasurer's Advance Account to be voted on the Supplementary Estimates for 1889		818	16	8	to Prince Alfred Hospital for the maintenance of pauper patients during 1889		3,190	16	0
					to Railway Department for the carriage of pauper patients during 1889.....		53	6	6
		9,818	16	8	for incidental expenses		12	10	0
							9,817	10	6

In connection with the subject of medical relief to the sick poor, it may be advisable to give a general statement of the number and classification of all patients admitted to the two metropolitan hospitals during the years 1888 and 1889, taken from returns furnished by the hospitals themselves.

Classification.	Sydney.		Prince Alfred.		Moorcliff.	
	1888.	1889.	1888.	1889.	1888.	1889.
Accidents..... Urgent medical and surgical cases	826 374	738 555	266 265	248 513	..... 15	..... 20
Total.....	1,200	1,293	531	761	15	20
Pauper patients paid for by the Government at the rate of 3s. per diem	926	828	760	513	213	210
Paying patients contributing towards their maintenance at various rates.	266	288	858	998*	21	38
Patients admitted under subscribers' orders	398	388	Nil.	Nil.	11	18
Total admissions.....	2,790	2,797	2,149	2,277	260	286

* 3 of these patients were admitted under the "Bed Donors" regulations recently made by the Directors of the hospital.

From the figures for the two years it will be seen:—

- 1st. That the percentage of accidents and urgent cases admitted, without charge, at the Sydney on the total admissions is 44·62; at the Prince Alfred, 29·19; and at Moorcliff, 6·41.
- 2nd. That the percentage of pauper patients paid for by the Government on the total admissions at Sydney is 31·39; at Prince Alfred is 28·88; and at Moorcliff is 77·47.
- 3rd. That the percentage of cases paying towards their maintenance at Sydney is 9·92; at Prince Alfred is 41·93; and at Moorcliff is 10·81.
- 4th. That the percentage of patients admitted on subscribers' orders at Sydney is 14·07; at Prince Alfred is nil; and at Moorcliff is 5·31.

In estimating the work done for the Government endowment of £4,000 per annum it will be seen that in the two years 1888 and 1889 the Sydney Hospital admitted 2,493 accidents and urgent cases, and the Prince Alfred Hospital 1,292, or little more than half that number; and in relation to the relief of the sick poor it should be remarked that the Sydney Hospital admitted 786—presumably persons unable to pay for medical relief—on the orders of subscribers, whilst no patients were admitted in this method into the Prince Alfred Hospital, although, as the Directors of this hospital receive subscriptions on the understanding that these will be applied to the relief of "such persons afflicted with acute diseases as are unable to procure the same at their own expense," it would appear that a certain proportion of the urgent medical and surgical cases on whose account appeals have been made by the Prince Alfred authorities for maintenance on the part of the Government should be classed as receiving aid from the contributions of the subscribers.

The arrangements under which the sick poor now receive hospital relief are, briefly, as follows:—

- 1st. Accidents and urgent and necessitous cases taken to the hospital are admitted at once provided there are beds, and the cost met by the hospitals from the annual subsidy granted by the Government.
- 2nd. Cases of sickness discovered either in the streets or elsewhere by the police are admitted at once by the hospital authorities provided there are vacant beds, and orders are subsequently granted from the Medical Adviser's officer for payment at the rate of 3s. per diem from the vote for the maintenance of sick paupers.
- 3rd. In certain urgent and necessitous cases reported to the Medical Adviser by medical practitioners, orders are given for admission, and the patients are paid for at 3s. a day from the vote above mentioned.
- 4th. The Hospital Admission Dépôt, at the top of King-street, is open from 10 to 12 daily, except Sunday, Good Friday, and Christmas Day. All sick persons applying are examined by the Government Medical Officer as to their sickness, and an officer of the Medical Adviser's Department as to their means. All who are in necessitous circumstances are given orders to either the Coast, the Sydney, or the Prince Alfred Hospital, according to the special nature of the illness and the beds vacant at the respective hospitals, and, in the case of the Sydney and Prince Alfred Hospitals, payment is made by the Government at the rate of 3s. a day.

Cases which, on examination, appear not to need hospital treatment, and to be suitable for the Asylums for the Infirm and Destitute, are given recommendations for those Institutions.

I have, &c.,

F. NORTON MANNING, M.D.



1890.

NEW SOUTH WALES.

CORPORATION OF THE CITY OF SYDNEY.

(STATEMENT OF RECEIPTS AND EXPENDITURE FOR THE YEAR ENDING 31 DECEMBER, 1889.)

Presented to Parliament, pursuant to Act 43 Vic. No. 3, sec. 220.

STATEMENT of the RECEIPTS and EXPENDITURE OF THE CORPORATION OF THE
CITY OF SYDNEY, for the year ending 31st December, 1889.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL OF SYDNEY, on account of the CITY FUND, for the Year ending 31st December, 1889.

Incorporated by Act of Colonial Legislature, 43 Vic. No. 3.

RECEIPTS.				DISBURSEMENTS.					
	REVENUE.		TOTAL AMOUNT.		SALARIES.		CONTINGENCIES.		TOTAL AMOUNT.
	£	s. d.	£ s. d.		£	s. d.	£	s. d.	£ s. d.
City Rate, raised by assessment under authority of the Act of Council 43 Vic. No. 3.....	158,493	18 8		Office of Mayor	1,000	0 0			
Fees and Fines—Building Fees.....	2,005	2 6		Town Clerk and Department.....	1,104	3 10			
" Special Building Fees.....	129	3 0		City Engineer and Surveyor and Department	2,132	15 0			
" By-laws.....	1,196	19 6		City Treasurer and Department	1,312	2 2			
" Hoarding Licenses.....	198	17 6		Inspector of Nuisances and Department	1,110	7 7			
Rents and Dues from Markets—George-street	8,070	1 6		City Architect and Department	1,055	6 7			
" " Belmore.....	4,785	17 4		Health Officer	250	0 0			
" " Eastern, Fish	2,839	4 5		Clerk of Markets.....	200	0 0			
Rent of City Wharves.....	2,305	0 0		City Solicitor	337	10 0			
" Public Baths	864	18 8		City Auditors	120	0 0			8,622 5 2
" Exhibition Building	280	0 0		City Improvements—Wages—					
" Town Hall Offices	400	0 0		Inspector of Nuisances Department			38,327	13 0	
Randwick Toll-gate	3,049	8 1		Street watering			4,990	12 0	
Cleansing earth-closets	217	3 8		General Establishment and sundries.....			4,376	4 1	
Paving rate	1,948	9 10		General Works.....			22,607	19 3	
Land lease	450	10 0		City Markets.....			1,968	3 6	
City endowment	6,250	0 0							72,270 11 10
Sale-yard dues.....	1,257	2 5		City Improvements—Metal—					
Repayment of works and sale of stores.....	960	17 6		Kiama					8,658 3 3
Sale of street sweepings and manure.....	85	8 3		City Improvements—Street Works—					
Agricultural Society—Rent	10	0 0		Kerb, guttering, flagging, &c., under contract			9,102	8 6	
Bailiffs' costs	499	17 0		Tar paving, under contract.....			1,547	7 3	
Porters' licenses	10	10 0		Forming, ballasting, metalling, under contract.....			537	12 3	
Contribution towards formation of Streets.....	400	0 0		Cube sett paving, under contract			923	7 8	
Compensation by Fire Insurance Companies.....	160	0 0		Sundries for General Works			8,303	2 4	
Sydney Bathing Company	72	0 0							20,413 18 0
Auctioneers' Licenses	2,493	17 11		City Markets, material			1,487	10 0	
Redfern Municipal Council—Salt water	62	10 0		Street watering material			1,007	2 11	
Rent and sundries	394	0 3		Fire Brigade Board			1,588	17 5	
Premium on sale of Debentures	1,433	6 8		Lighting expenses.....			12,567	10 0	
Interest Account	5,637	1 8		Interest expenses			8,587	1 8	
			206,961 6 4	Bunnerong Road Trust			197	6 7	
				Randwick Borough Council			1,894	8 1	
				Government transactions and insurance.....			643	4 2	
				Purchase of land			4,883	7 0	
				Law expenses			104	2 7	
				Printing, stationery, advertising, stamps, cab-hire, &c.			2,930	2 5	
				Repairs, assessment, memorial tablet, milk analysis and sundries.....			1,006	16 8	
				Interest on Town Hall Loan Debentures { Sydney ... £4,500 }			8,500	0 0	
				" Streets Loan Debentures—London			9,000	0 0	
				" Sydney Common Debentures			450	0 0	
				Sydney Common Debentures—retired.....			5,000	0 0	
				Town Hall Loan Sinking Fund			2,250	0 0	
				Streets Loan Sinking Fund.....			6,000	0 0	
				Town Hall Loan Sinking Fund, Colonial Treasury Account			1,400	0 0	
				Streets Loan do do do			700	0 0	
									70,197 9 6
				Balance due to Union Bank, 31st December, 1888			19,824	13 10	
				Balance due by Union Bank, 31st December, 1889			6,974	4 9	
									26,798 18 7
			206,961 6 4						£ 206,961 6 4

City Treasury,
Sydney, 31st January, 1890.

JAMES CARROLL, } City Auditors.
GEO. CHRISTIE, }

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the CATTLE SALE-YARDS FUND, for the Year ending 31st December, 1889.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL.		CONTINGENCIES.	TOTAL.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Revenue by dues	9,161 19 5	9,589 16 6	Salaries of officers	774 2 0	6,907 17 9
Sale of manure	30 0 0		Interest expenses	3,600 0 0	
Rent of offices	142 10 0		Incidental expenses	33 15 9	
Interest Account	255 7 1		Sinking Fund	2,500 0 0	
			Balance due by Union Bank, 31st December, 1889	5,770 6 9	
			Balance due by Union Bank, 31st December, 1888	3,088 8 0	2,681 18 9
		£ 9,589 16 6			£ 9,589 16 6

City Treasury, Sydney,
31st January, 1890.

JAMES CARROLL, }
GEO. CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

TOWN HALL LOAN FUND.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL.		CONTINGENCIES.	TOTAL.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
City Fund	8,500 0 0	14,163 9 10	General works	55,451 4 0	76,893 14 1
Interest Account	5,663 9 10		Interest expenses	12,500 0 0	
Balance due by Union Bank, 31st December, 1888	24,573 8 9	Salaries of officers	516 13 4		
Balance due by Union Bank, 31st December, 1889	12,343 4 6	Clerk of Works	364 0 0		
		12,230 4 3	Town Hall organ	7,139 4 10	
Fixed deposit		50,000 0 0	Incidental expenses	422 11 11	
		£ 76,893 14 1			£ 76,893 14 1

City Treasury, Sydney,
31st January, 1890.

JAMES CARROLL, }
GEO. CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

STREETS LOAN FUND.

RECEIPTS.			DISBURSEMENTS.		
	REVENUE.	TOTAL.		CONTINGENCIES.	TOTAL.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
City Fund	9,000 0 0	12,062 8 4	Interest expenses	14,000 0 0	29,160 14 7
Interest Account	2,432 13 9		Incidental expenses	183 15 0	
Sewerage Fund	629 14 7		General works—		
Balance due by Union Bank, 31st December, 1888	62,635 10 10	Wages	925 7 6		
Balance due by Union Bank, 31st December, 1889	45,587 4 7	Streets	9,398 0 5		
		17,098 6 3	Cement	4,653 11 8	
		£ 29,160 14 7			£ 29,160 14 7

City Treasury, Sydney,
31st January, 1890.

JAMES CARROLL, }
GEO. CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the SEWERAGE FUND, for the Year ending 31st December, 1889.

Incorporated by Act of Colonial Legislature, 43 Vic. No. 3.

RECEIPTS.			DISBURSEMENTS.						
	REVENUE.		TOTAL.		CONTINGENCIES.	TOTAL AMOUNT.			
	£	s. d.	£	s. d.			£	s. d.	
Sewerage rate	44,764	19 8	44,974	18 11	Office expenses and rent	1,132 10 7	25,733 1 4		
Suburban sewerage rate (special)	55	10 3			Salaries of officers	1,159 10 0		Interest expenses	14,966 14 4
Miscellaneous receipts	154	9 0			Incidental expenses	523 17 5		Law expenses	34 1 0
Balance due to Union Bank, 31st December, 1889	120,930	12 9	15,758	2 5	General works—			35,000 0 0	
Balance due to Union Bank, 31st December, 1888	105,172	10 4			Wages	6,198 18 4			Sundries .....	1,717 9 8
			£	60,733	1 4			£	60,733 1 4

City Treasury, Sydney,
31st January, 1890.

JAMES CARROLL,
GEO. CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

ABSTRACT of the RECEIPTS and DISBURSEMENTS of the MUNICIPAL COUNCIL of the CITY OF SYDNEY,
on account of the SYDNEY COMMON FUND, for the Year ending 31st December, 1889.

RECEIPTS.			DISBURSEMENTS.						
	REVENUE.		TOTAL.		CONTINGENCIES.	TOTAL.			
	£	s. d.	£	s. d.			£	s. d.	
Rent and agistment	147	17 6	5,713	10 6	General works	1,667 2 2	2,150 1 3		
Miscellaneous receipts	115	13 0			Interest expenses	482 2 5		Incidental expenses	0 16 8
City Fund	5,450	0 0			Debentures retired				5,000 0 0
Balance due to Union Bank, 31st December, 1889	1,821	16 3	1,436	10 9				£	
Balance due to Union Bank, 31st December, 1888	385	5 6			£	7,150			1 3	£	7,150 1 3

City Treasury, Sydney,
31st January, 1890.

JAMES CARROLL,
GEO. CHRISTIE, } City Auditors.

C. H. LINES,
City Treasurer.

LIABILITIES of the MUNICIPAL COUNCIL of the CITY OF SYDNEY, 31st December, 1889.

	£	s. d.	£	s. d.	£	s. d.
CITY FUND ACCOUNT.						
Debentures outstanding			100,000	0 0		
Less amount to credit at Union Bank	6,974	4 9				
Less amount to credit at City Fund Reserve Account	75,000	0 0				
			81,974	4 9		
SEWERAGE FUND ACCOUNT.						
Debentures outstanding			126,000	0 0		18,025 15 3
Amount due to Union Bank			120,930	12 9		
						246,930 12 9
SYDNEY COMMON FUND ACCOUNT.						
Debentures outstanding			5,000	0 0		
Amount due to Union Bank			1,821	16 3		
						6,821 16 3
CATTLE SALE-YARDS FUND ACCOUNT.						
Debentures outstanding			60,000	0 0		
Less amount to credit at Union Bank	5,770	6 9				
Less amount to credit at fixed deposit	3,000	0 0				
			8,770	6 9		
						51,229 13 3
TOWN HALL LOAN FUND ACCOUNT.						
Debentures outstanding			275,000	0 0		
Less amount to credit at Union Bank	12,343	4 6				
Less amount to credit at fixed deposit	50,000	0 0				
			62,343	4 6		
						212,656 15 6
STREETS LOAN FUND ACCOUNT.						
Debentures outstanding			300,000	0 0		
Less amount to credit at Union Bank			45,587	4 7		
						790,077 8 5
SINKING FUNDS.						
Cattle Sale Yards—Amount to credit at Union Bank, £18,002 1s. 2d. Invested, £5,200	23,802	1 2				
Town Hall Loan—Amount to credit at Union Bank, £22,391 5s. 6d. Invested, £7,000	29,391	5 6				
Streets Loan—Amount to credit at Union Bank, £17,585 18s. 5d. Invested, £20,500	38,085	18 5				
Town Hall Loan—Colonial Treasury Account—Amount to credit at Treasury	4,370	4 9				
Streets Loan—Colonial Treasury Account—Amount to credit at Treasury	2,185	2 4				
						97,834 12 2

City Treasury, Sydney,
31st January, 1890.

C. H. LINES,
City Treasurer.

1890.

NEW SOUTH WALES.

CITY OF SYDNEY IMPROVEMENT BOARD.

(ELEVENTH ANNUAL REPORT.)

Presented to Parliament by Command.

City of Sydney Improvement Board Offices,
131, Macquarie-street, Sydney, 31 August, 1890.

To the Honorable the Colonial Secretary,—
Sir,

The members of the City of Sydney Improvement Board have the honor to submit the Eleventh Annual Report of their proceedings, and in so doing they are pleased to be able to state that the business transacted during the year now concluded much exceeds that of any previous year since the establishment of the Board in 1879.

Although during the past year the members of the Board have been allowed an opportunity of extending their usefulness as a public body, as shown herein, the power, at any time, to limit or extend their operations, and even to give effect to their decisions or orders, or to refrain from so doing, practically rests with the City Council, as already explained in preceding reports, for it may be remembered that the officer, whose duty it is to report to the Board ruinous and dangerous or other buildings requiring attention (and without which report the Board is unable legally to take action), viz., the City Building Surveyor, in addition to being (under the provisions of the City of Sydney Improvement Act) the initiative and executive officer of the Board, is also the paid servant of the City Council, who appoints him, and under whose control he therefore must necessarily be. Hence arises the remarkable fluctuations in the quantities of useful work performed by the Board and reported to you from year to year. This anomalous state of affairs members consider to be most unsatisfactory, and one which should be altered with the least possible delay.

Eighty-two references have been dealt with, affecting 129 ruinous or unsafe buildings, walls, and other structures within the city, all of which have been carefully inspected, and the owners or occupiers afforded an opportunity, which many of them accepted, of appearing before the Board prior to decisions being come to, or orders made to give effect thereto. In two cases rehearings have been allowed upon the special application of owners, so as to permit of their bringing additional evidence before the Board with respect to their buildings.

There have been, altogether, twenty-four (24) meetings held, irrespectively of the time occupied by the Chairman and various members in making special surveys of buildings, and in conferring at different periods with yourself and with the Mayor and others, in connection with subjects pertaining to the work of the Board.

It is found that when the powers possessed by the Board are thus more frequently brought into action, considerable benefit is also indirectly experienced through the voluntary removal by owners of many unsafe and undesirable tenements. In some instances references have been withdrawn by the City Building Surveyor, owing to buildings reported by him being taken down by owners when it became known to them that this Board was about to be set in motion.

Complaints have likewise been made by the public to the Board as to the condition of certain indicated buildings within the city. In all such cases the necessary steps have been taken to deal with them so far as the imperfect machinery at the command of the Board would permit.

Notwithstanding the foregoing facts, and the increase in the business referred to, the pressing necessity for an amendment of the Act 42nd Victoria No. 25 (under which the Board exercises its functions) still remains, as more fully urged and set forth in former annual reports, wherein this question has been repeatedly brought under notice, and the defects and deficiencies of the Act, together with the proposed remedies, frequently pointed out, strong and definite representations on these subjects having previously been made from time to time.

It is, therefore, hoped that the state of public business may allow, at an early date, of the consideration by the Government of the measures contained in the Amending Bill submitted by this Board, which, it is believed, are of sufficient importance to the inhabitants in and around Sydney, and some of the larger cities in the Colony, to warrant immediate attention.

Mr. Benjamin Backhouse was re-elected, by the unanimous vote of members, Chairman of the Board for the year lately closed.

Owing to the expiration of the lease of the offices in Castlereagh-street, occupied for more than ten years, it became necessary to secure other premises, and, with your approval, rooms at No. 131, Macquarie-street have been taken for offices for the Board, for a term commencing from the 1st of January, 1890.

We have the honor to be,

Sir,

Your obedient servants,

BENJAMIN BACKHOUSE, CHAIRMAN.

WM. BAILEY, J.P.

CRAIG DIXON, M.D., F.R.C.S., E.

GEORGE EVANS.

FRANK SENIOR, J.P.

} MEMBERS
OF
BOARD.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF GOSFORD.—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 20th December, 1889.

BOROUGH OF GOSFORD.—AMENDED BY-LAW.

THE following amended By-laws, made by the Council of the Borough of Gosford for regulating the local Public Wharf, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the "Municipalities Act of 1867."

HENRY PARKES.

AMENDED BY-LAWS of the Borough of Gosford for the Regulation of Rates and Dues to be levied on the Gosford Public Wharf.

1. That By-law No. 8 be rescinded and the following By-law substituted:—The wharfinger shall be entitled to demand and receive the tolls and dues set out in the Schedule as under, viz. :—

That each sea-going steamer embarking or landing passengers or cargo at the said wharf shall pay ten shillings for each week, or three shillings per day for any term less than a week.

2. For all other sea-going vessels embarking or discharging cargo, three shillings per day, or sixpence for each ton or any quantity less than a ton at one time.

3. Each steamer or other vessel plying to the above wharf, one shilling per day.

Made and passed by the Council of the Borough of Gosford, on this sixteenth day of October, 1889.

(L.S.) M. WARD, Mayor.
ROBERT JOHN WHITE, Alderman.
CHARLES CAIN, Alderman.
H. C. WHEELER, Alderman.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF GOSFORD—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 24th September, 1890.**GOSFORD MUNICIPALITY.—BY-LAW.**

THE following By-law, made by the Council of the Borough of Gosford under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW for the regulation of Lights to be carried by Vehicles plying within the Borough of Gosford.

All vehicles shall be provided with lights, one to be fixed on each side of vehicle; the same shall be lighted not later than one hour after sundown, and be kept burning while the vehicles are standing or running in the streets within the Municipality of Gosford. For every offence against the provisions of this By-law the offender shall upon conviction forfeit and pay a penalty of not more than (£5) five pounds nor less than (5s.) five shillings, recoverable before two Justices of the Peace.

Made and passed by the Council of the Borough of Gosford, this twenty-third day of July, one thousand eight hundred and ninety.

WM. HASTINGS,
Council Clerk.

(L.S.) H. C. WHEELER,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF ENFIELD—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 3rd January, 1890.

BOROUGH OF ENFIELD.—BY-LAWS.

The following By-laws made by the Council of the Borough of Enfield, under the "Municipalities Act of 1867" having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF ENFIELD.—BY-LAWS.

PART I.

Regulation of Proceedings.

Days of Ordinary Meetings.

1. The Council shall meet every alternate Tuesday, at the hour of half-past seven in the evening, or at such other day and at such hour as may, by resolution of the Council, be from time to time appointed

Course of Procedure.

2. The following shall be the course of procedure at such meetings, viz. :—

- (1.) The reading and confirmation of the minutes of the previous meeting.
- (2.) The reading of official correspondence.
- (3.) The presentation of petitions.
- (4.) Reports brought up from Committees.
- (5.) Motions of which notice has been given.
- (6.) Orders of the day.
- (7.) Such other business as may lawfully be brought before the Council.

Petitions.

3. All petitions shall be received as the petitions of the persons signing the same only; and it shall be incumbent on any Alderman presenting a petition to acquaint himself with the language thereof, and report to the Council that he considers it unobjectionable.

Petitions and Correspondence may be dealt with without previous notice

4. The Council may at any meeting resolve, without previous notice, that any petition be received, and that the same, or any correspondence read, be referred to a Committee.

Mayor to Preserve Order.

5. The Mayor shall preserve order, and may at any time call to order any Alderman that may appear to him to be out of order.

Calls to Order.

6. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order, or to any point of order.

Mayor's decision on points of order final.

7. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor thereon shall be conclusive.

Mayor may take part in proceedings.

8. The Mayor may take part in all the proceedings of the Council.

Questions put by Mayor.

9. The Mayor shall put all questions first in the affirmative and then in the negative, and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final.

Mayor to decide as to pre-audience of Aldermen.

10. If two or more Aldermen rise to speak at the same time, the Mayor shall decide which of them shall be entitled to pre-audience.

No Alderman to speak twice on the same question or amendment except in Committee.

11. No Alderman shall speak twice on the question unless in Committee, or in explanation where he shall have been misrepresented or misunderstood: Provided that any Alderman, although having previously spoken, may speak once on every amendment; and that the mover of every question shall always have the right of final reply.

No Alderman to make personal reflections.

12. No Alderman shall digress from the matter under discussion, or make personal reflections on or impute motives to any other Alderman.

No Alderman to speak more than ten minutes.

13. No Alderman to speak upon any motion or amendment for a longer period than ten minutes, without the consent of the Council.

Alderman using offensive expressions to apologise.

14. When any Alderman shall make use of any language or expression offensive or capable of being applied offensively to any Alderman the Alderman offending shall be required by the Mayor, or if in Committee, by the Chairman of such Committee, to withdraw such language or expression, and to make an apology satisfactory to the Council.

Debate may be adjourned.

15. A debate may be adjourned to a later hour of the same day, or to another day.

Alderman adjourning debate entitled to precedence on resumption.

16. The Alderman upon whose motion any debate shall be adjourned shall be entitled to precedence on the resumption of the debate.

Division—Penalty for refusing to vote.

17. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and vote of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than five shillings, or more than forty shillings.

Divisions to be entered on minutes.

18. All divisions of the Council shall be entered on the minutes of the proceedings.

Questions to be read when required.

19. Any Alderman may require the question or matter under discussion to be read for his information, and upon such request the question or matter under discussion shall be read.

How amendments to be put.

20. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded. No motion or amendment shall be discussed until it shall have been reduced into writing. If an amendment be carried the question as amendment thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved. If any amendment upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Adjournments.

21. Any motion for adjournment, if seconded, shall be immediately put without discussion, but if such motion be negatived it shall not be competent for any member to make a similar motion until thirty minutes shall have elapsed from the period of moving the motion, which shall have been so negatived.

Motions must be seconded.

22. No notice shall be taken by the Mayor of any motion unless it be seconded.

Motions to be in writing and not withdrawn without leave.

23. The Council Clerk shall put every motion into writing, which shall be signed by the mover; and every motion when seconded, and read by the Council Clerk, shall be considered the property of the Council, and shall not be withdrawn without leave of the Council.

Council Clerk to give notice of Committee Meetings.

24. The Council Clerk shall call a meeting of any Committee when requested so to do by the chairman or any two members of such Committee.

Duration of Special Committees.

25. The appointment of Special Committees shall continue until the specific duty for which they shall have been appointed shall have been discharged: Provided that such Committee may at any time be dissolved by vote of the Council.

Rules to be observed in Committee of the Whole, &c.

26. The Rules of the Council shall be observed in Committee of the Whole, except the rule limiting the number of times of speaking.

Report of Committee—how signed.

27. Every report of a Committee shall be signed by the chairman thereof.

Proceedings—By-laws may be suspended on emergency.

28. Any of these by-laws relating to or affecting proceedings at meetings of the Council may be suspended *pro tempore* in cases of emergency if all the members of the Council then present deem such suspension necessary.

Protection of Funds and Records.

Officers of Council may not be surety.

29. In cases where security is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members nor any person holding office under the Council.

Treasurer's Account to be laid before Council.

30. The treasurer's accounts to be laid before the Council once in each month, or oftener if required by the Council.

Expenses of proposed works to be first ascertained—Accounts to be examined by Finance Committee.

31. No work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been previously ascertained by the Council, and all accounts to be paid by the Council shall be examined by a Finance Committee, and reported on by them before any warrant shall be issued for the payment thereof.

Mayor and two Aldermen may authorize expenditure of ten pounds on emergent works.

32. The Mayor and any two Aldermen, or, in the absence of the Mayor from the Municipality, any three Aldermen may, in writing, order any sum not exceeding ten pounds to be expended in repairing any public work under the control of the Council which may be suddenly damaged: Provided it shall appear to them that such repair cannot be delayed until the next sitting day of the Council; and then may appoint a proper person to execute such repairs: Provided always that the making of such order shall be reported at the next meeting of the Council; and provided also that not more than one such order to be made between the termination of one meeting and the commencement of another.

Records, &c., to be kept private.

33. Excepting as otherwise provided by law, if any person shall, without the permission of the Council first had and obtained, show, lay open, or expose any of the books, papers, or records of the Council to any person, not being a member of the Council, the person so showing, laying open, or exposing the said books, papers, or records, shall, on conviction thereof, forfeit and pay a penalty of not less than ten shillings nor more than five pounds, and on every subsequent conviction, a penalty of not less than two pounds.

Custody of records, seal, &c.

34. The common seal and all charters, deeds, muniments, papers, and records of the Council, shall be kept in the Council Chambers or office of the Council in the custody of the Council Clerk, unless the Council shall otherwise order, for any purpose, and the common seal shall not be used without the express authority of the Council, and every impression thereof so authorized shall be verified by the signature of the Mayor and Council Clerk.

Records, &c., not to be defaced or altered.

35. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment, paper, or record, shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding five pounds, nor less than two pounds, and upon every subsequent conviction a penalty of not less than twenty pounds.

Nor removed.

36. Any person who shall remove, or attempt to remove, any such seal, charter, deeds, muniments, paper, or record from the Council Chamber, without leave from the Council first had and obtained, shall on conviction thereof, forfeit and pay a penalty of not more than twenty pounds, nor less than two pounds, and for every subsequent offence a penalty of not less than five pounds.

Duties of Council Clerk.

37. The Council Clerk shall perform all the duties of the Municipalities Act of 1867, or by the present or any other by-laws thereunder, he may be required to perform. He shall be the Clerk of all Revision Courts held in the Borough under the provisions of the Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council, and he shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Special powers of Mayor.

38. The Mayor may from time to time define the duties of all officers and servants of the Corporation, and shall exercise a general supervision over all such officers and servants, and may order the preparation of any such return or statement, or the giving of any such information by any such officer or servant as he may think necessary, unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information.

PART II.

Collection and Enforcement of Rates.—Times and modes of collection.

Rates under section 164, of the 31st Vic. No. 12; how collected.

1. All rates levied or imposed by the Council, under the provisions of section 164 of the Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by yearly instalments. Each such instalment shall, as to every such rate, and every such instalment thereof, be held to be due or payable on and after such day as the Council shall by resolution appoint at the time of making or imposing such rate,

Special Rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167, of the Municipalities Act of 1867, and for the purpose mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may by resolution, at the time of making or imposing such rates, or any of them, have appointed.

Rates to be paid at the Council Chambers.

3. All persons liable to pay any rates as aforesaid, shall pay the amount thereof within the time prescribed by the said Act into the Council Chambers, during the office hours, that is to say, from six o'clock to seven o'clock on Tuesday evening, and from three o'clock to five o'clock on every Saturday afternoon; public and bank holidays excepted.

Defaulters.

4. It shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons whose rates are unpaid at the expiration of the times fixed for payment of the same as aforesaid.

Enforcement of Distress.

Mayor to enforce payment.

5. It shall be the duty of the Mayor to lay such list before the Council; and the Council cause such defaulters to be sued for the amount of such rates in a court of competent Jurisdiction, or cause distress warrants to issue against all such persons, and cause such warrant to be enforced.

Bailiff.

6. The bailiff shall be appointed by the Council, and shall give such security as the Council shall approve, for the faithful performance of the duties of such office.

Bailiffs' Sureties.

7. The bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of twenty-five pounds each, for the faithful performance of his duty.

Duty of Bailiff.

8. It shall be the duty of the bailiff to make all levies of distress for the recovery of rates in the manner hereinafter provided.

Warrant of Distress.

9. All levies and distress shall be under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid with costs as hereinafter provided on or before the expiration of five days, the bailiff shall sell the goods so distrained, or a sufficient portion thereof by public auction either on the premises or at such other place within the said Borough as the bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs as hereinafter provided, to the owner of the goods so sold on demand of such surplus by such owner.

Inventory.

11. At the time of making a distress, the Bailiff shall make out a written inventory in the form of Schedule B hereto which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the Bailiff shall give a copy of the inventory to the ratepayers on demand at any time within one month after making such distress.

Goods may be impounded.

12. The Bailiff on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates, as shall be most fit and convenient for this purpose; and it shall be lawful for any person soever, after the expiration of five days as hereinbefore mentioned, to come and go to and from such places or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case, be put up for sale according to such direction.

Proceeds of distress

14. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within twenty-four hours after having received the same.

Costs.

15. These shall be payable to the Bailiff, for the use of the Council for every levy and distress made under this By-law, the costs and charges in the Schedule hereunder annexed, marked C

SCHEDULE A.

Warrant of distress.

I, Mayor of the Borough of , do hereby authorize you, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at for being the amount of rates due to the said Borough to the day of for the said dwelling-house (or land or premises as the case may be) and to proceed thereon for the recovery of the said rates, according to the law.

Dated this day of , 18 .

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Borough of , dated , distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises of situate at within the said Borough, for benefit, the amount of rates due to the said Borough to the day of .

Dated this day of , 18 .

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20	2	0
Above that sum in addition, for every £1	0	1
For making and serving copy of inventory	2	0
For man in possession, each day, or part of a day	5	0
For sale, commission, and delivery of goods per pound on proceeds of the sale	1	0

PART III.

Streets and Public Places.—Public Health and Decency.—Streets, &c.

New roads to be reported upon.

1. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by the Committee for Works, and reported on to the Council by such Committee.

Plans of proposed new roads, &c., to be adopted.

2. Whenever any proprietor or proprietors of land within the said Borough shall open any road, street, or way, or lay out any park or other place for public use or recreation, through, or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, or park, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, park, or place to public use or recreation as aforesaid, as may be considered necessary by the Committee of Works for general purposes; and such further instrument of dedication shall also be preserved as a record of the Council.

Committee of Works to fix street levels, &c.

4. The Committee for Works, or any officer or person acting under the supervision of such Committee, shall be subject to such orders as shall from time to time be made by the Council in that behalf, lay out and fix the levels of all public roads, streets, and ways within the Borough, and the carriage and footways thereof; and it shall be the duty of such Committee, officer, or person to place posts at the corners of intersections of any such public roads and streets, and of the carriage-ways and footpaths of such roads and streets, wherever the same may be considered necessary or desirable by the Council: Provided that there shall be no change of level in any such public road, street or way, until the same shall have been submitted to and adopted by the Council, as hereinafter directed.

Change of street levels.

5. Wherever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings to be exhibited at the Council Chamber for fourteen days for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Borough that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or chairman, and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk. And such plan and section so signed and countersigned shall be a record of the Council.

No turf, gravel, &c., to be removed from streets without permission.

6. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material, in or from any part of the carriage or footway of any street or other public place within the said Borough, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or footway, shall on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound. That every owner or occupier, upon whose land or premises are found growing any weeds known as the Bathurst Burr, Scotch Thistle, Sweetbriar, or other noisome weeds, shall, on being required by the Inspector of Nuisances, or any other officer of the Council, cause the same to be destroyed, failing which shall be liable to a penalty not exceeding £2 (two pounds), nor less than ten shillings.

Holes to be enclosed.

7. Any person or persons who shall dig or cause to be dug or made, any hole, or leave or cause to be left any hole, adjoining or near to any street or public place within the said Borough, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee of Works of the said Borough, or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than absolutely necessary in the opinion of the said Committee, and shall not place lights upon each side of the said enclosure, shall forfeit and pay for every such refusal or neglect any sum not exceeding five pounds.

Open spaces and steps adjoining the footways to be enclosed under penalty.

8. Every owner or occupier of any house, building, premises, or land, within the said Borough, having an entrance area, garden, or other open space, or any vacant building, lot, water-hole, or excavated space, adjoining the footway of any street or public place in such Borough, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this by-law.

9. When any road, street, or lane has been formed and the pathways put in order, the owners of all houses or other structures abutting thereon shall so arrange the roofs of such structures, by spouting or otherwise, as shall prevent the rain from flowing therefrom on to such pathway; and any owner or occupier who shall refuse or neglect to carry out this by-law shall forfeit and pay for every such offence, after due notice given, any sum not exceeding five pounds.

Wells to be covered over.—Penalty.

10. Every person who shall have a well situated between his or her dwelling house, or the appurtenances thereof, and any road, street, or footway, within the limits of the said Borough, or at the side of, or in any yard or place open or exposed to such road, street, or footway shall cause such well to be securely and permanently fastened over; and if any person having such well as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing, shall have been given to him, or to her, by any officer of the said Council, or shall have left for such person at his or her usual, or last known place of abode, or on the said premises shall, on conviction, forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this by-law.

Temporary stoppage of traffic for repairs, &c.

11. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, land, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or

for any necessary purpose; and any person or persons offending against this by-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

12. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Borough, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing, which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place, to the injury thereof, or to hang over any part of the street beyond the breadth of the said vehicle or barrow, shall, upon conviction, forfeit and pay for such offence a sum of not more than forty shillings, nor less than five shillings over and above the damage occasioned thereby.

Driving carriage, &c., on footways, and throwing filth, &c.

13. Any person who shall throw, cast, or lay; or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing, in or upon the carriage-way or footway of any street or public place in the said Borough, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, lamb, or other animal in or so near to any such street or other public place as that any blood or filth shall run or flow upon or over, or be on any or either or any such carriage or footway, or shall run, roll, drive, draw, place or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheel, wheelbarrow, handbarrow, or truck, and hogshead, cask, or barrel; or shall wilfully lead, drive, or ride, any horse, ass, mule, or other beast upon any such footway, shall, upon conviction, forfeit and pay for the first offence a sum not exceeding two pounds nor less than five shillings; for the second offence, a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds, nor less than one pound for each such offence; and should the person in charge of such waggon, cart, dray, or other vehicle, refuse to give his name and address, the owners of the same may be prosecuted under this by-law for causing a breach of the same.

Entrances to public roads to have watertables kept free from obstruction

18. Where an entrance has been made from any land by the occupier, tenant, or owner thereof, to any public road within the Municipality, and the traffic caused by such entrance crosses the watertable and footpath of such public road, the occupier, tenant, or owner of any such land from which such entrance is made, shall keep the said watertable and footpath for a reasonable distance on each side clear of all obstructions; failing to do the same he or she shall, on conviction, forfeit and pay any sum not exceeding five pounds for every such offence, in addition to the cost of clearing such watertable and footpath as aforesaid. The owner or occupier of any property having an entrance for vehicles across the footway into his or her premises shall, at his own cost, put down cube sets or other substantial material on such crossing, to the satisfaction of the Council; and where such owner or occupier shall fail to put down such cube sets or other material within one month after receiving notice so to do from the overseer of work, the Council may have the work done at his cost, and recover the same in the usual way.

As to private avenues.

21. Any owner or occupier of any house or place within the said Borough, who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise shall, on conviction, forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

22. The owner or person in charge (excepting travellers) of any cow, horse, or any other animal within the boundary of the Municipality who shall, to the annoyance of any inhabitant, suffer a bell to be attached to such animal, shall, on conviction, forfeit and pay any sum not exceeding forty shillings for every such offence.

Cleansing butchers' shambles, slaughter-houses, &c.

23. It shall not be lawful for any person to prosecute his or her trade by slaughtering any cattle, sheep, or pigs within the limits of the Borough; and the Inspector of Nuisances or any other person appointed by the Council, shall have full power, without any other than this by-law, to go upon any premises for the purpose of ascertaining whether a breach of this by-law has been committed; and any person who shall be guilty of such offence shall, upon conviction, forfeit and pay any sum not exceeding twenty pounds.

24. Upon the representation of any householder that the house, premises, yards, closets, drains, ash-pits, or hog-styes of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of, and the officer of the Council shall have full power, without any other authority than this by-law, to go upon such premises for the aforesaid purpose, and if any such premises shall be found to be a nuisance or otherwise offensive, notice in writing shall be given to the proprietor or resident of such premises that it, within forty-eight hours after the service of such notice, the nuisance shall not be removed, the Council may, by the Inspector, cause the same to be removed, the proprietor, tenant, or occupant of the aforesaid premises shall, upon conviction, be liable to a penalty not exceeding twenty pounds, in addition to the cost of such removal, where it shall have been done by the Council.

Various obstructions and annoyances.—Placing carriages, goods, &c.—No removing same when required.—Replacing the same after removal.

25. Every person who, in any street or other public place or passage within the said Borough, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences shall, on conviction for such offence, forfeit and pay a penalty for the first offence, of a sum not exceeding forty shillings nor less than ten shillings; for the second offence, a sum not exceeding five pounds nor less than one pound; and for a third and every subsequent offence, a sum not exceeding ten pounds nor less than two pounds:—

(a) Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass of any newly slaughtered animal, without a sufficient and proper cloth covering the same for the concealment of public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

(b) Any person who shall set or place, or cause to be set or placed, any stall-board, chopping block, show board (on hinges or otherwise), basket-ware, merchandise, casks, or goods of any kind whatsoever, in or upon or over any carriage or footway in any street or public place within the said Borough, or shall place any coach, cart, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage, upon any such carriage-way or footway, except for the necessary time of loading and unloading, or taking upon or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals, or if any person shall set or place or cause to be placed, in or upon or over any such carriage or footway any timber, stones, bricks, lime, or other materials or things whatsoever, or shall hang out or expose or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such footway or carriageway, or over any area of any house or other building or premises, and shall not immediately and permanently remove all or any such matter or things, being thereto required by the Inspector of Nuisances or other proper officer of the Council.

(c) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger and annoyance of any person.

(d) Every person who shall throw or cast from any house or other building, or any part of any house or other building any slate, brick, part of a brick, wood, rubbish, or other material or thing, (unless within a hoard or enclosure), when any house or building is being erected, pulled down or repaired.

(e) Every person who shall, within the distance of one hundred yards from any dwelling house, burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant.

Loitering.

26. All persons standing or loitering upon any of the carriage-ways, footways, or other public places in the Borough of Enfield, to the inconvenience of passers by, or in any way interrupting the traffic, who shall not discontinue to do so upon being required by any officer or servant of the Council of the said Borough, or by any police officer, shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Offences against public decency.

Bathing prohibited within certain limits.

27. Any person who shall bathe near to or within view of any inhabited house, bridge, street, road, or other place of public resort within the limits of the said Borough, between the hours of six o'clock in the morning and eight in the evening, shall, on conviction, forfeit and pay a sum not exceeding ten pounds nor less than one pound.

11—B

Penalty for indecent exposure of person.

28. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Borough, or in the view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding ten pounds nor less than one pound.

Building Fees.

29. Every person before commencing to erect any house, building, or fence, in any thoroughfare or street in this Borough, shall give notice of his intention in writing to the Borough Council, failing which he shall be liable to a penalty not exceeding forty shillings nor less than five shillings.

Injuring or extinguishing lamps.

30. Any person who shall wantonly or maliciously break or injure any lamps or lamp posts, or extinguish any lamp set up for public convenience in the said Borough, shall over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

PART IV.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to injury of any inhabitants.

1. No person shall carry on any noisome or offensive trade within the said Borough, so as to injure or be a nuisance as hereinafter stated, to the inhabitants thereof.

Definition of "Noisome and Offensive Trades."

2. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of or in connection wherewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, or smoke, shall be calculated to injure or be a nuisance to the inhabitants of the said Borough, shall be considered a "noisome and offensive trade" within the meaning of these by-laws.

Complaint.—Inquire and Report.—Orders of Council thereon.—Notice to discontinue, &c.—Penalty.

3. Upon complaint in writing by any householder that any noisome or offensive trades being so followed, conducted, or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, and after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on, as aforesaid, is a "noisome and offensive trade" within the meaning of these by-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not less than thirty days, nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these by-laws, either to the said complainant or to any other resident within the said Borough. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, shall for the first offence forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "Noisome and Offensive" trade is about to be introduced.—Penalty.

4. The like proceedings shall be taken as aforesaid wherever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation, is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these by-laws, save and except the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them, not to commence or enter upon the same, or to take such measures as shall effectually prevent the same from becoming "noisome and offensive"; within the meaning of these by-laws, to any resident within the Borough. And any person who shall in any case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome and offensive" within the meaning of these by-laws, shall for every such offence forfeit and pay a sum of not less than ten pounds, nor more than fifty pounds.

Service of notice.—Liabilities.

5. Service of any notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon such person on the said premises or land, shall be a good and sufficient service for such notice for all the purposes of these by-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation within the meaning and for all the purposes of these by-laws.

PART V.

Fee for opening footways to lay pipes.

1. That a uniform charge of five shillings be made in every case where, for laying gas, water, or sewerage pipes, or any other purpose, the kerbing, asphaltting, or paving of any footpath within the Borough, or any roadway within the Borough, requires to be cut into, broken, or disturbed; that permission to be first obtained in writing from the Council Clerk for the time being, and the said fee of five shillings be paid before any such work is commenced, the Council undertaking the repair of such kerbing, asphaltting, paving, or roadway; that a uniform charge of ten shillings be made in every case where, for building or other purposes, it is necessary to cart material over the kerbing, asphaltting, or paving, a width of not more than eight feet: that permission be first obtained from the Council Clerk for the time being, and the said fee of ten shillings be paid, before such carting is commenced, the Council undertaking the proper repair of such kerbing, asphaltting, or paving. Any person failing to comply with any of the provisions of this by-law shall upon conviction forfeit and pay a sum not exceeding forty shillings, in addition to the fees herein imposed.

Nuisances.

Dead animals, &c., not to be thrown into any public watercourse, &c.

2. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, or waterhole—or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such watercourse or waterhole—or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways or streets of the Borough—or shall permit or cause, by means of pipes, channels, shoots, or other contrivances, filth of any kind whatsoever to flow into any public watercourse, gutter, or waterhole—or shall obstruct or divert from its channel any sewer, watercourse, or creek, shall, on conviction, forfeit any sum not exceeding five pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

3. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupants of the houses, buildings, lands, and premises to which the said private sewers or drains shall

respectively belong; and in case any persons shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired or cleansed, according to the direction of the said Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Drains for discharge of surface water from land.

4. Every owner or occupier of land in, adjoining to, or near any street, if such land shall be so situated that surface or storm water from or upon the same shall overflow, or shall tend naturally, if not otherwise discharged, to overflow any footway of such street, shall within seven days after the service of the notice by the Council for that purpose, construct, and lay from such point such land being near to the footway, as shall be specified in such notice by plan appended or otherwise, and higher in level than the bottom of the channel at the outer edge of the footway to the said channel, and through, under, and transversely to the footway, and keep in good condition such covered drain or trunk, as and subject to the inspection of the Council or its proper officers; and in default of compliance with any such notice within the period aforesaid, or with the provisions of this section, such owner or occupier shall forfeit any payment not exceeding five pounds. And if within seven days after such conviction, such owner or occupier shall still have failed to comply with such notice, or be otherwise in default as aforesaid, he shall forfeit and pay any sum not less than one pound nor more than ten pounds; and for every further such offence he shall forfeit and pay any sum not less than two pounds nor more than twenty pounds. And every such owner or occupier who shall still have made default as aforesaid for more than seven days after such second or any future conviction, shall be held guilty of a further offence within the meaning of this section.

Placards not to be affixed to walls, &c., without consent.

5. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence, or erection; or by chalk or paint, or in any other manner, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding twenty shillings, nor less than five shillings.

Keeping swine—Penalty.

6. Any person who shall breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditament situate or being in or within forty yards of any street or public place, or any dwelling-house in the said Borough, or shall suffer any kind of swine, or any ass, mule, sheep, goat, or cattle belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any such street or public place, shall, on conviction, forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Passed by the Municipal Council of the Borough of Enfield, this second day of September, in the year of our Lord, one thousand eight hundred and eighty-nine.

EDWARD A. PYMAN,
Council Clerk.

(I.S.) JAMES EVE,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BURROWA.—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 6th January, 1890.

BURROWA MUNICIPALITY—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Burrowa, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

SECTION I.

Meetings of Council.

1. The Council shall meet at the Council Chambers every alternate Tuesday at the hour of 7.30 p.m., but if such day be a public holiday, then on such day and hour as the Mayor may determine.

Chairman in Mayor's Absence.

2. If the Mayor shall be absent at the expiration of fifteen minutes after the time appointed for the holding of any meeting, the Aldermen present shall choose a Chairman, provided always that if the Mayor shall attend, such Alderman shall leave the chair to be taken by the Mayor.

No quorum.

3. Whenever any meeting shall lapse, or be adjourned for want of a quorum, the names of the members present shall be recorded by the Town Clerk, and such record shall be read at the next meeting of the Council.

Order of Business.

4. The business of each ordinary meeting shall be transacted in the following manner, viz. :—

1. Reading and confirming of minutes of last meeting.
2. Reading correspondence, and reception of reports and petitions.
3. Questions.
4. Adjourned motions, and motions of which notice has been given.
5. Orders of the day, which shall comprise all business set down for the day by order of any previous meeting, or necessarily arising out of the proceedings of a former meeting.
6. Tenders.

Provided that the Council may, by resolution, take any particular matter out of the regular order on the paper.

Power to suspend By-law.

5. The Council shall have power to suspend *pro tem.* one or more of the By-laws : Provided that no such suspension shall be allowed for the purpose of voting money, and that two-thirds of the members present consent.

Postponement of Debate or Motion.

6. Any debate or order of the day when called on may be postponed to another time to be duly specified : Provided that no discussion shall be allowed upon such motion for postponement, and the Alderman upon whose motion any debate shall be adjourned shall be entitled to open the debate on resumption.

Motions to be in Writing and Seconded.

7. All resolutions shall be in writing, and no motion or amendment shall be discussed unless and until it be seconded.

Motion not to be Withdrawn.

8. No motion of which notice has been given shall be withdrawn if any Alderman object ; and if any Alderman who has given notice of motion fail, or decline to move it, the Mayor or any other Alderman may move the same.

Questions—Twenty-four hours' notice to be given.

9. No question shall be put to the Mayor, unless twenty-four hours' notice in writing shall have been given thereof to the Town Clerk.

Amendments—Order of.

10. When any motion of Council shall have been made and seconded, any Alderman may move an amendment thereon ; and if an amendment be carried, the question, as amended thereby, becomes itself the question before the Council, whereupon any further amendment upon such question may be moved. If any amendment shall be negatived, then a further amendment may be moved to the question which such first-mentioned amendment was moved, and so on : Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for Adjournment.

11. Any motion for adjournment shall be put immediately without discussion. If such motion be negatived, the business then under consideration, or the next in order on the business paper, shall be discussed before any notice for adjournment may be moved.

Alderman may call for Division.

12. Any Alderman may call for a division. In such case the question shall be put first in the affirmative and then in the negative, and the Aldermen shall vote by show of hands

and the names and votes of the Aldermen present shall be recorded; and any Alderman present when a division is called for, who shall not vote (not being disabled by law from so doing), shall be liable, for every such offence, to a penalty not less than ten shillings nor more than forty shillings.

Motions which would Rescind Motions Previously Passed.

13. No motion, the effect of which, if carried, would be to rescind any resolution passed by the Council during the current municipal year, shall be entertained, unless at a special meeting of the Council called for that purpose; and no such motion, if negatived by the Council at such special meeting, shall be again entertained during the same municipal year.

Aldermen not to speak twice, nor longer than ten minutes, on any motion or amendment.

14. No Alderman shall speak twice on any motion or amendment, except in Committee, or in explanation where he shall have been misrepresented or misunderstood. The mover of every question shall have the right of reply; Provided that no Alderman shall speak upon any motion or amendment for a longer period than ten minutes, without the consent of the Council.

Aldermen to stand and address the Chair.

15. Every Alderman shall stand when speaking, and shall address the Chair.

Offensive personal reflections not to be permitted.

16. No Alderman shall make offensive personal reflections, upon, or impute discreditable motives to, any other Alderman. Any Alderman so offending shall, immediately upon being thereto required by the Mayor or presiding Alderman, withdraw the offensive expressions, and retract any such imputation of motive, and make an apology satisfactory to the Council. Any Alderman declining so to apologise and to withdraw the offensive expressions, or to retract the imputation of motive, shall be liable, on conviction, to a fine or penalty not less than one pound nor more than five pounds for every such first offence, and on a second conviction for a like offence he shall be liable to a fine or penalty of not less than two pounds nor more than ten pounds.

Committees.

17. The Rules of the Council shall be observed in Committee of the Whole, except the rule as to standing, and that limiting the number of times of speaking.

Points of order.

18. Any Alderman may at any time call the attention of the Mayor or Chairman to any Alderman being out of order; and every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive.

Speaking.

19. Any Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Petitions to be examined before being presented.

20. Any Alderman presenting a petition shall satisfy himself that the wording thereof is unexceptionable. All petitions shall be received only as the petitions of the persons signing the same, and no debate shall take place upon the presentation of a petition until notice has been given in the usual manner.

Motions for rescission of previous orders, &c.

21. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been remitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after due notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed Business.

22. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration shall in such case be resumed at the next meeting at the point where it was so interrupted.

Suits and prosecutions for penalties, &c.

23. Such suits or informations for the enforcement of penalties for or in respect of breach of the "Municipalities Act of 1867," or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality, as may have been directed by the Council, shall be so commenced or laid by the solicitor of the Municipality, or by any officer named by the Council for that purpose imposing the penalty sought to be enforced. And no such suit shall be brought or information laid as aforesaid against any member of the Council, or Auditor, or servant, except on an express resolution of the Council.

How notices are to be published.

24. In all cases where the public notice is or shall be required to be given by any By-law, such notice shall be given and published by advertising the same in some newspaper circulating in the Municipality.

Mode of proceeding in cases not provided for.

25. In all cases not herein provided for resort shall be had to the rules and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Business at Special Meetings.

26. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business paper for Ordinary Meeting—how prepared.

27. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk or other person acting as his substitute not less than forty-eight hours before the day appointed for such meeting. He shall enter upon such business paper a copy or the substance of every notice of motion and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 4 of this "Part" of these By-laws in the same order as such notice, requisition, or direction, shall have been received.

Business paper for Special Meeting.

28. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

Summons to Members.

29. The summons to Members of the Council of every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

30. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall cause a note to be made upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be a record of the Council.

After business paper made up all notices, &c., to be the property of the Council.

31. After the business paper shall have been made up as aforesaid, all the said notices of motion, requisitions, and directions as to which entries have been made thereon shall be the property of the Council, and shall not be withdrawn, altered, or amended, without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Standing and Special Committees.

Standing Committee.

32. There shall be three Standing Committees, namely, a By-law, a Works, and a Finance. These Committees shall be re-appointed every year, at the first meeting of the Council, which shall be holden after the election of the Mayor.

Mode of re-appointing Standing Committees.

33. The re-appointment of the three Standing Committees may, on resolution of the Council, be made by ballot. In such case a list or lists of the members shall be handed to each then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong; and the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result, and if there shall be an equal number of votes for the appointment of any two or more members to any one of such Committees, such Mayor or Chairman shall decide which of such members shall be appointed.

By-law Committee.

34. The By-law Committee shall prepare for the consideration of the Council, drafts of all such by-laws as may be required for the good government of the Municipality.

Works Committee.

35. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council; they shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

36. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect or to be likely to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Records of transactions in Committee.

37. The Chairman of each Standing Committee shall make, or cause to be made, in a book kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Reports to lie on table twenty-four hours.

38. All reports of Standing Committees shall lie on the table, for inspection of Aldermen, at least twenty-four hours prior to the meeting at which such reports shall be received.

Probable cost of work to be ascertained before expenditure.

39. No work affecting the funds of the Municipality shall be determined upon until the probable expense shall have been first ascertained by the Council, on the report of some officer nominated for the purpose, or the report of the Works Committee.

Works to be let by tender.

40. Works undertaken by the Council, and estimated to cost over (5) five pounds, shall be let by tender; and no tender shall be entertained unless it be accompanied by an agreement, signed by one or more respectable parties as sureties, for due performance of the contract. All tenders shall be accompanied by a cash deposit of ten per cent. of the amount of tender.

Members of Council or its officers not to be surety.

41. It shall not be competent for the Council, when surety is required for officers, servants, or contractors, to accept as such surety any of its members, or any person holding office under the Council.

Urgent works may be ordered to be done.

42. The Mayor and two Aldermen, or, in the absence of the Mayor from the Municipality, any three Aldermen may, in writing, order any sum not exceeding (5) five pounds to be expended in repairing any public work under the control of the Council which may be suddenly damaged, and such order shall be reported at the next meeting of the Council.

Vacancies—appointments to be advertised.

43. No appointment to any office shall be made until public notice be given inviting applications for the same, and stating the salary affixed to such office; and every appointment may be by ballot or show of hands; and all officers shall give bonds for the faithful discharge of their duties, in such sums as the Council may determine.

Cash balance.

44. The Treasurer shall produce the cash-book and bank pass-book, balanced, at the regular meetings of the Council.

Payments to be certified.

45. No money shall be paid by the Council until the account for the same shall have been examined and reported upon by the Finance Committee, except in case of men employed daily or weekly, and cases of emergency.

Rates to be collected half-yearly.

46. The rates of the Municipality shall be collected half-yearly, and shall be due and payable on such days as the Council shall determine.

Rates to be paid to the Town Clerk.

47. All persons liable to pay rates or assessments shall pay the same to the Town Clerk, at the Municipal Council Chambers, during office hours, or in such other manner as the Council may from time to time direct.

Bailiff.

48. The Bailiff shall be appointed by the Council or the Mayor, and shall find two sureties to the extent of ten pounds each for the faithful performance of his duties.

49. The Bailiff shall make all levies and distress under warrant, in the form of the Schedule hereunto annexed and marked with the letter A, under the hand of the Mayor or any Alderman who may for the time being be duly authorised to perform the duties of that office.

50. The Bailiff shall be paid for every entry and levy made under these By-laws, according to the Schedule hereunto annexed and marked with the letter B.

51. The Bailiff, and such assistants as he may take with him, shall enter into any part of the land, building, or tenement in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property, in charge thereof; and if the

sum for which such distress shall have been made or taken shall not be paid on or before the expiration of two days, it shall be lawful for the Bailiff to sell the goods so distrained, or a sufficient portion thereof, and, if the party distrained upon shall so require, by public auction, either on the premises or at such other place within the Municipality as the Bailiff may think proper to remove thereto, such party consenting in writing to pay the charges of the auctioneer, if sold; and the surplus, if any remain after deducting the amount distrained for, together with the expenses attendant upon such distress and sale, shall be paid over to the owner of the goods so sold: Provided that nothing herein contained shall apply to the sale of any produce whatever which may be growing upon the land at the time of making the distress: Provided always, that no distress shall be made on the goods of any casual visitor, or on the goods of any lodger in any house or apartment ordinarily let or used as a lodging-house or apartment.

52. At the time of making a distress, the Bailiff shall make out a written inventory in the form of the Schedule hereto annexed and marked with the letter C, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person for his or her behalf, resident at the place where the distress has been made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress has been made.

53. The Bailiff, in making a distress as aforesaid, may impound or otherwise secure the distress so made of what nature or kind soever it may be, in such place or part of the land or premises chargeable with the rate as shall be most fit or convenient for this purpose; and it shall be lawful for any person whatsoever, after the expiration of the two days hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where any distress shall be impounded, in order to view or buy, and in order to carry off and remove the same on account of the purchaser thereof.

54. The owner of any goods so distrained upon may, at his or her option, direct and specify the order in which they shall be offered for sale: and the said goods and chattels shall in such case be sold according to such direction.

55. The Bailiff shall hand over to the Council Clerk, or the Treasurer, all proceeds of such distress, immediately after having received the same, with the particulars of the goods distrained, and of the sale thereof.

56. The Bailiff, with the sanction of the Mayor of the Municipality, may authorize any person to act temporarily as his deputy; and the person thus authorized shall have and exercise for the time being, all the powers of the Bailiff himself; but the Bailiff and his sureties shall, in every case, be held responsible for the acts of his deputy.

Receipt for documents.

57. Every person removing any document or record with such consent as aforesaid, shall give a receipt under his hand for every such document, which receipt shall be carefully preserved among the records until the document or other record to which it refers shall have been returned, when such receipt shall be destroyed.

Penalty for destroying or defacing records.

58. Any person destroying or defacing, or wilfully or improperly altering any books, papers, or records, shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

Officers and Servants.

Notice to candidates.

59. No appointment to any permanent office at the disposal of the Council shall take place until notice shall have been given as hereinafter provided, inviting applications from qualified candidates for the same. The salary or allowance attached to the office shall in every case be fixed before such advertisement is published, and shall be stated in such advertisement.

Mode of appointment.

60. Every such appointment shall be made by ballot, in such mode as may at the time be determined upon.

Appointment of officers, &c.

61. The officers of the Council shall be appointed, and the engagement of any officer may be determined at any time by a vote of a majority of the whole Council: Provided that one month's notice shall be given to every such officer whose services are to be so dispensed with, and that any officer may resign his appointment by giving to the Council one month's notice in writing of his desire and intention to do so: And provided further, that nothing herein contained shall be taken or construed in any way to affect the powers of suspending officers, and of dismissing men for misconduct, vested in the Council by the 152nd section of the "Municipalities Act of 1867," 31 Vic. No. 12.

Exceptional cases.

62. Nothing herein contained shall be held to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

Bonds for good conduct.

63. All bonds given by officers or servants of the Council for the faithful performance of their duties, shall be deposited with the Attorney or Bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

64. The Council Clerk, in addition to the duties which by the "Municipalities Act of 1867," and the "Municipalities Act of 1867 Amendment Act of 1874," or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Acts. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of the Mayor, and shall make a half-yearly return of the revenue and expenditure.

Duties of other officers or servants.

65. The duties of all officers and servants of the Corporation, in addition to the duties which by the present or any other By-laws thereunder may be required to perform, shall be defined by such regulations as may from time to time and in accordance with law be made.

Special powers of Mayor.

66. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement, shall have been already prepared or such return or statement, explanation, or information, already given and on record, or unless the Council shall have expressly forbidden and dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanations or information may be either rendered *viva voce*, or put into writing as the Mayor may direct.

Complaints against officers.

67. All complaints against officers or servants of the Corporation must be in writing, addressed to the Mayor, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing, or which is anonymous. And such complaint as aforesaid shall be laid by the Mayor before the Council at the next meeting thereof which shall be holden after the Mayor shall have received the same, and shall be duly recorded.

Public Amusements.

Places of amusement to be licensed.

68. No dancing saloon, bowling, or skittle alley, shooting gallery, public billiard or bagatelle table, or similar place of amusement (other than entertainments requiring to be licensed by law), shall exist or be established within the Municipality, unless and until such place of amusement shall have been licensed by the Council as hereinafter provided; and in the event of any such licensed place of amusement being improperly conducted or becoming a nuisance, or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor shall, on representation to that effect being made, forthwith suspend the said license, and the Council at its next meeting shall, by resolution, cause the said license to be cancelled or otherwise as may appear necessary or desirable; and any person or persons having already established such places of amusement who shall not within thirty days after these By-laws come into force apply for such license, or any person or persons who shall open, establish, or maintain any such place of amusement as aforesaid, without having obtained such license, shall forfeit and pay a sum of not less than ten pounds and not more than fifty pounds.

Mode of granting licenses.

69. Applications for licenses as aforesaid must be in writing, addressed to the Mayor and Aldermen, and must be indorsed by two responsible householders, testifying to the respectability of applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License fees.

70. Licenses shall be granted by resolution of the Council upon payment of license fees, as follows:—For every license granted between the 1st January and 1st of July, one pound one shilling, and between the 1st July and 31st December, ten shillings and sixpence. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council upon written application, and on payment of the annual fee of one pound one shilling.

71. Licenses shall be issued by the Town Clerk to every person applying to be licensed to hawk or vend with a cart, dray, waggon, truck, or other vehicle, on payment for the same of a fee of ten shillings; and to every person applying to be licensed to hawk or vend with a pack or basket, on payment of a fee of two shillings and sixpence; and every such license shall be in force until the 31st day of December, then next following the date thereof; and the Town Clerk shall keep a register of the names of all such licensed hawkers. But if any such license shall be issued after the 30th June in any year only half of the above fees shall be charged.

No exhibition, &c., on Sundays, &c.

72. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purposes of such public amusements on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Processions, parades, &c.

73. Any person desiring to organize or carry out any procession or parade, in any street within the Municipality, shall first apply to the Mayor for the time being for permission for such purpose; and if any person shall organize or head any procession or parade of any kind within or along any of the said streets, for which the permission, in writing, of the Mayor has not been obtained, he shall be liable to a penalty not exceeding five pounds, and any person who shall join, or take part in any such procession, shall be liable to a penalty not exceeding two pounds. This by-law shall not apply to any Volunteer Military Corps or Fire Brigade, the members whereof shall be in uniform and in charge of an officer of such corps or brigade.

Public exhibitions, &c., to be licensed.

74. No exhibition, otherwise than hereinafter provided for, shall be held or kept for hire or profit within the said Municipality, nor shall any bowling-alley, or other place of public amusement other than licensed as hereinafter provided, be held or kept within the Municipality, unless and until the same shall be duly registered, as hereinafter prescribed.

75. It shall and may be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition other than those required to be licensed as hereinafter provided, and which shall not be held or kept for more than one week; and in like manner, to allow any land belonging to the Council to be used for public amusement other than entertainments required to be licensed as hereinafter provided, for one week: Provided always that no such permission shall be given to the injury of any property of the Council, and that it shall be incumbent on such Mayor to inquire strictly into the nature of such exhibitions seeking the permission aforesaid before granting the same, and, in case of any exhibition or amusement being held to be opposed to public decency or endangering the peace of the public, the Mayor shall have power to peremptorily order the nuisance to be abated, under a penalty of forty shillings for every day such exhibition shall be so held; and it shall be lawful for the Mayor to levy a tax of not more than one pound per diem upon any temporary exhibition or amusement which, in his opinion, should contribute to the Municipal revenue.

76. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusements proposed to be conducted as aforesaid in or upon such building or ground, and the name of such occupier; and every person who causes, and every occupier of any such building or land, who permits any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week in or on any such building or land not being registered for the purpose, or without such certificate of registration, as hereinafter mentioned, having been obtained for the same, shall forfeit for every such offence not less than one pound, nor more than twenty pounds.

Registration Fee.

77. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Town Clerk, for the benefit of the said Municipality a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the 31st day of December then next ensuing, and no longer.

Change of Occupancy.—Transfer Fee.

78. The person in whose name the building or ground as aforesaid shall be registered, or the person to whom the Mayor shall grant a temporary license, shall be deemed the occupier of such building or land for all purposes of these By-laws; and any change of occupancy shall be forthwith notified to the Town Clerk, and the Council may sanction the transfer of the license to the new occupier, and shall charge for such transfer the fee of five shillings.

Swine, &c., not to wander about the streets.

79. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within forty yards of any street or public place within the Municipality, or shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of the like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road or public place within the said Municipality shall forfeit and pay for every such offence a sum not exceeding forty shillings, and to be made liable for damages.

Stables, cow-sheds, and pig-styes.

80. The occupier of any land within the Municipality of Burrowa on which there shall be erected any stable, cow-yard, cattle-shed, or pig-stye, shall cause such premises to be kept in such a state, in respect of cleanliness, as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and to be there in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure to be, from time to time, removed from such premises, as often as the quantity of the same so collected or accumulated shall amount to two cubic yards. And if at any time the owner or occupier of any such premises, shall neglect or fail to have such dung, soil, or other manure removed therefrom as aforesaid, the same shall be removed by the Inspector of Nuisances, at the expense of such occupier.

Water Closets.

Cleansing of privy cesspools.

81. The occupier of every house, building, or tenement within the Municipality of Burrowa, shall cause every privy cesspool thereon to be emptied and cleansed from time to time, so soon as any portion of the contents of such cesspool shall have so accumulated therein as to be within a distance of one foot from the top of the wall, sides, or lining of such cesspool: Provided that the contents of any privy shall not be removed or discharged therefrom except between the hours of ten (10) p.m. and five (5) a.m.: And provided also that the contents of any privy or cesspool shall not be removed or discharged therefrom until such contents shall have had mixed therewith a quantity of chloride of zinc, carbolic acid, common salt, or some other efficient deodorizer sufficient to effectually deodorize and disinfect the same.

Where cesspools are not provided.

82. The occupier of every house, building, or other tenement on or in which the privy or closet belonging thereto shall not be provided with a cesspool, constructed in accordance with the provisions of the preceding By-law (No. 81), shall at all times cause to be kept in such privy or closet a supply of dry powdered earth, ashes, charcoal, lime, or other material efficient for deodorizing night-soil; and shall cause all night-soil which may be deposited in any box, pan, bucket, or other receptacle in such privy or closet to be immediately, on the deposit thereof, covered with a quantity of dry powdered earth, or other deodorizing material as aforesaid, sufficient to thoroughly and effectually deodorize the contents of such bucket, pan, or other receptacle.

83. No closet shall be erected except in such position as shall be approved of by the Council, or by the Inspector of Nuisances, or other officer appointed by the Council.

Deposit of rubbish, manure, &c.

84. No person shall deposit, or cause or suffer to be deposited in or by the side of any street, or on any road, street, or right-of-way, lane, passage, water-channel, or gutter, or in any creek, river, or reservoir, or in any other public place within the Municipality of Burrowa (not being a manure depot duly appointed by the Municipal Council of Burrowa as a place for the deposit of manure, rubbish, or other such refuse matter) any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil, and no person shall deposit, or cause or suffer to be deposited on any land, field, or garden within the Municipality of Burrowa any night-soil, blood, offal, or other offensive matter or thing without the written consent of the Mayor or Council, and any such offensive matter or thing which shall with such consent of the said Mayor or Council be so deposited, shall be immediately on the deposit thereof covered over by the person depositing the same with such a quantity of earth as will at once prevent the escape of any noxious or offensive effluvia from any such manure, soil, or other offensive matter before mentioned: Provided that

nothing contained in this By-law shall be construed or taken to prevent the use as manure, for any garden or land, of the contents of any earth-closet, or any other privy or closet where such contents are deposited on any such field or land in a perfectly deodorized state, and so as not to cause nuisance or offence either at the time of the deposit of such contents or afterwards.

Stables and Nuisances not removed on complaint, &c.

85. In case any privy, stable, cow-yard, pig-stye, or any other enclosure, place, or thing within the said Municipality shall be or become a nuisance, or shall be so close to a dwelling-house as to become a nuisance or injurious to the health of the inhabitants, it shall be lawful for the Council, by notice in writing, to order that such privy, stable, cow-yard, pig-stye, or other place or thing, being a nuisance or injurious to health, be remedied or removed off the premises within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance shall exist, or shall have been left for such owner or occupier at his or her last or usual place of abode, or on the said premises; and every such owner or occupier neglecting to remedy or remove such nuisance shall, for every such offence, forfeit and pay a penalty not exceeding five pounds.

Drains, &c.

86. All drains whatsoever, and the water-closets, earth-closets, privies, cesspools, and ash-pits within the Municipality of Burrowa shall be constructed so as not to be a nuisance or injurious to health, and so as that there shall be no overflow, soakage, or leakage therefrom, and every cesspool within the said Municipality, which shall be formed or made below the surface of the ground, shall be also constructed so as that the water-tight walls or sides thereof shall project on all sides at least six inches above the surface of the ground in which such cesspools shall be formed or made.

Drains in Footpaths and Slopes, &c.

87. No surface drain shall be made in any footpath, nor any pipes laid under or across the same, without the authority of the Council; and no such drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever; and any person who shall offend against this By-law, or any owner, occupier, or tenant from whose premises suds, offensive matter, slops, or filth shall flow over or on any footway, watercourse, street, or lane shall forfeit and pay any sum not exceeding twenty pounds nor less than one pound.

Natural Watercourses.

88. Any person who shall close or intercept, or keep closed or intercepted, any natural watercourse, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved of by the Council; and any person closing or intercepting any such watercourse, and failing to comply with the provisions of this By-law, shall forfeit and pay a sum not exceeding ten pounds nor less than two pounds, and each day that such watercourse shall be closed or intercepted shall be a new offence.

Stacking hay or straw.

89. No person shall stack any hay or straw, otherwise than in an enclosed building, nearer than two hundred feet to any building or public way, under a penalty not exceeding (£10) ten pounds.

Live coals or hot ashes.

90. Any person throwing hot ashes or live coals adjacent to any buildings or fences shall be liable to a penalty not exceeding twenty pounds and not less than one pound.

Setting fire to chimneys.

91. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke vent, or stove-pipe, herein called in common chimney, shall forfeit a sum not exceeding five pounds.

Burning shavings, &c., in the street.

92. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipality, or who shall, within ten yards of any dwelling-house, burn rags, bones, corks, or other offensive substance, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Placards not to be affixed on walls without consent.

93. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence, or other erection, or deface any such wall, house, fence, or erection, with chalk, paint, or other matter, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence shall pay a sum not exceeding twenty shillings nor less than five shillings.

Water carts to be kept full.

94. Every owner of a cart or carts supplying water to the citizens for payment shall in each year take out a license for each cart, at the office of the Town Clerk, such license to be signed by the Mayor, and to be in force until the 31st December in each year. A register to be kept by the Town Clerk of all licenses issued, and a fee of five shillings per annum for each registration to be paid upon application.

95. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall, if any building, premises, or property be on fire within the Municipality, attend at the place of such fire with such cart loaded with water, and, failing to comply with the provisions of this section, shall forfeit a sum not less than five shillings and not exceeding five pounds.

Licensed water carts.

96. Any person hawking or carrying water for sale or hire, otherwise than in a licensed water-cart as aforesaid, shall upon conviction be liable to a penalty not exceeding one pound.

Vehicles to be licensed.

The following shall be the regulations for public vehicles :

97. All carriers and owners of vehicles plying or carrying passengers or goods for hire or reward within the said Municipality shall have their vehicles licensed by the Council, and the owners shall have their names painted in legible letters with the word "licensed" on some conspicuous part of such vehicles respectively. The license fee shall be at the rate of ten shillings per wheel, and be in force until the 31st December in each year. And every person driving any unlicensed vehicle with passengers, goods, or loading of any description for hire or reward, or who shall omit or fail to comply with the provisions of this By-law, shall forfeit a sum not exceeding forty shillings.

98. No person shall act as the driver or the conductor of any such vehicle, within the Municipality of Burrowa, unless licensed in the manner hereinafter described, and paying the fee for such license as provided for in Schedule D.

99. Before any license for plying a vehicle, or to drive or conduct the same, shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, requisition in form of Schedule I hereto, or to the like effect, and shall duly fill up and sign the same, and deliver it to the Council Clerk.

100. No license shall be granted in respect of any vehicle which, in the opinion of the Mayor and By-law Committee, shall be unsafe, or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers.

101. Licenses for proprietors and drivers of vehicles shall be in form of Schedule H hereto, or to the like effect.

102. When a licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be hereby specified by endorsement on the license under the hand of the Council Clerk.

103. No license shall be granted to any person to drive any vehicle unless he be 16 years of age or over.

104. All licenses shall be made out by the Council Clerk, and numbered consecutively.

105. No proprietor shall be at liberty to part with or lend his license, nor to part with his licensed vehicle, to any person without the knowledge and approval of the Mayor and By-law Committee, and the registry of the name of the purchaser in the books of the Council.

106. The person or persons in whose name or names a license shall appear to have been obtained shall be deemed the owner of the vehicle in respect of which the same shall have been taken out.

107. The Mayor and By-law Committee may revoke any license to the proprietor or driver of any vehicle granted under this part of these By-laws whenever they shall think fit. Provided, however, such proprietor or driver shall have an opportunity to show cause against such revocation.

108. The Mayor and By-law Committee shall, as often as they deem it necessary, cause an inspection to be made of all licensed vehicles or of any such vehicles, and of the harness and horse or horses used in drawing the same ; and if any such vehicle, horse or horses, or harness, shall at any time be found by them unfit for public use, notice of the same shall be given by the Inspector of Vehicles to the proprietor of such vehicle ; and if after such notice he shall use or let to hire such vehicle, or suffer the same to be used or let, until the same or the harness or horse or horses used in drawing the same, as the case may require, shall be in a fit condition for public use, the said Committee may suspend, for such time as they may deem proper, the license of such vehicle ; and in case any person shall neglect or refuse to attend with his licensed vehicle before the said Committee when called upon for the purpose of having the same inspected, the said Committee may suspend the license of such vehicle.

109. The number of the license granted for every omnibus or car, in figures not less than three inches in height, and for every carriage or cab in figures not less than two inches in height, white upon a black ground, shall be painted outside on a pannel of the door of such vehicles, or on a plate or plates affixed thereon.

110. No omnibus shall ply for hire within the said Municipality, unless there shall be painted the number of the license of such vehicle, and the number of persons such vehicle is licensed to carry according to these By-laws in words at length, in the following form, that is to say—Licensed to carry inside, and outside.

111. Any person having taken his or her seat in any licensed vehicle, and not paying the fare when demanded at the beginning of the ride, shall, on conviction, forfeit and pay to the owner or driver of such omnibus or car such amount of over damages, cost and expenses for loss of time or otherwise, as the convicting Justices shall in their discretion think proper.

112. Every driver, whilst engaged in taking up or setting down any passenger, shall, during such taking up or setting down, place his vehicle as near as conveniently may be to that side of the street, and at a line with the kerb-stone or edge of the footpath, at which the taking up or setting down is required.

113. The driver of every licensed vehicle shall be constantly attendant upon the same when standing, or whilst plying or engaged for hire.

114. Every licensed vehicle plying or engaged after sunset shall be provided with a light on each side, and shall keep the same lighted until sunrise, if so long plying or engaged.

115. The owner of every licensed vehicle at the time of obtaining the license for the same, and every driver of any such vehicle at the time of registering his license, shall, without any charge, have a printed copy of this part of these By-laws delivered to him, certified by the signature of the Council Clerk.

116. Such person or persons as may from time to time be in that behalf appointed by the Council shall be Inspector or Inspectors, during the pleasure of the said Council, of all licensed vehicles plying for hire within the Municipality, and such Inspector or Inspectors shall every three months examine all such vehicles, and report to the Mayor and By-law Committee, and shall at all times see that, as far as possible, these By-laws are duly observed.

117. No person suffering from any infectious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry or permit to be carried any such person, or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace ; and no passenger shall carry on any licensed passenger-carrying vehicle any animal or any substance of any offensive character, or that might soil or damage the vehicle or the apparel of other passengers, and no driver or conductor shall sleep in or upon any licensed vehicle, or use the same for eating his meals therein.

118. All hackney carriages and cabs carrying passengers shall (except when turning street corners, or going over crossings) proceed at a speed of not less than six miles an hour, unless when attending funerals, or when otherwise ordered by the hirer.

119. The driver of any licensed vehicle shall not stand or loiter at any place in any public street within the said Municipality excepting he be *bonâ fide* waiting for a passenger.

120. The places specified in Schedule G hereto annexed are hereby respectively appointed public stands for licensed vehicles. The Council may, by resolution, from time to time as they may see fit, alter the position of such stands or increase their number.

121. The fares payable by persons hiring licensed vehicles shall be those provided for in Schedule E hereto annexed.

122. The fees payable by persons hiring van or dray shall be those provided for in Schedule F hereto annexed.

123. Copies of Schedule E shall be placed in each licensed vehicle by the proprietors thereof, in such a position to be easily seen by passengers.

124. For every offence against the provisions of this part of these By-laws to which no specific penalty has been attached herein, the offender shall pay a penalty not exceeding ten pounds nor less than five shillings.

125. Whenever the word "vehicle" shall be used in this part of these By-laws, the same shall be understood to apply to either an omnibus, car, hackney-carriage, or cab ; and an omnibus shall be meant to be a vehicle upon four wheels drawn by one or more horses ; and a car is a vehicle upon two wheels drawn by one horse, and for which omnibus licenses have been taken out ; and a hackney-carriage shall mean a vehicle upon four wheels, drawn by two or more horses ; and a cab, a vehicle upon two wheels for which hackney-carriage licenses have been taken out.

Vehicles to carry lights after dark.

126. Every carriage, cart, dray, buggy, or other wheeled vehicle usually drawn by horses, which shall be in or upon any street, thoroughfare, or public place within the said Municipality earlier in the day-time than one hour before sun-rise or later in the night-time than one hour after sun-set shall have attached to it one or more sufficient lights which shall be kept burning conspicuously in order to prevent collisions and accidents.

Signboards and other obstructions

127. It shall not be lawful for any signboard or other obstruction of any kind to be erected across the footpaths, except with the consent of the Council, under a penalty not exceeding five pounds and not less than one pound.

Public Health.

Houses to be purified on certificate of two medical practitioners.

128. If upon the certificate of any duly qualified medical practitioner it appears to the Council that any house, or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in such filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the white-washing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice, in writing, to the owner or occupier of such house, or part thereof, or the premises occupied in connection therewith, to white-wash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom the notice is so given shall fail to comply therewith within the time specified in the said notice he or she shall be liable to a penalty of not less than forty shillings first offence nor more than ten pounds: Provided that each day during which such house shall, after such notice as aforesaid, remain uncleansed or unfumigated shall be a separate offence. Provided also that no such penalties shall collectively amount to any greater sum than ten pounds.

Exposing infected articles.

129. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Cleansing butchers' shambles, &c.

130. For preserving the cleanliness of the said Municipality, and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, fellmongering establishments, and manufactories in the said Municipality, and to give such directions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and establishments and manufactories, both within and without, as to him shall feel needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery establishment, or manufactory, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Slaughter-houses.

Inspection of animals, &c.

131. Every Inspector of Slaughter-houses shall, upon receiving information of any cattle having been slaughtered, or of any cattle being intended to be slaughtered, and also in all cases in which notice shall have been given to him, or left at his usual place of residence, of the intention to slaughter any cattle, repair without delay to the place where such slaughtering has taken place, or is intended to be done, and shall examine and inspect the said cattle slaughtered or intended to be slaughtered, and shall take a particular description thereof, with the colour, mark or marks, brand or brands, sex, and apparent age, together with the name or names of owner or owners thereof, and of the time and place of slaughter, which particulars he shall carefully enter, or cause to be entered, in a book to be kept by him for that purpose, which book such inspector shall, when required, produce for examination by the Council, or by any person or persons deputed by the Council to make examination thereof.

Notice of intention to slaughter, &c.

132. Every person intending to slaughter any cattle within the limits of the said Municipality shall first give twelve hours' notice in writing to the Inspector of Slaughter-houses of the cattle intended to be so slaughtered, specifying the place and time, under the penalty of five pounds for each and every head of cattle which shall be so slaughtered without such notice having been given as last mentioned, unless it shall be made to appear to the Justices before whom such fine shall be sought to be recovered that such notice could not have been given, and that owing to some unforeseen accident it was necessary that such cattle should have been immediately slaughtered; and in all cases in which any cattle shall have been slaughtered within the said Municipality without having been previously inspected as aforesaid notice thereof shall be immediately given to the said inspector, and the skins of such cattle shall be kept or preserved for three days, and be produced upon demand at the place of slaughter to the inspector for the Municipality, under the penalty of five pounds or every skin so neglected to be preserved and produced.

Where inspection to be made.

133. Every inspection of cattle or sheep shall be made in the yards adjoining a licensed slaughter-house; and the owner or occupier of any such licensed slaughter-house shall keep the melts or spleens and lungs of all animals slaughtered therein for twelve hours after the same have been slaughtered, unless the inspector shall have previously examined such melts, spleens, or lungs, and every owner or occupier as aforesaid who shall neglect or refuse to comply with these provisions, or any of them, shall forfeit and pay a penalty not exceeding five pounds for every such offence.

Slaughter of diseased animals.

134. If the owner or occupier of any such slaughter-house shall knowingly cause, permit, or suffer any animal infected with any disease affecting the melt, or spleen, or lungs to be slaughtered in any such slaughter-house, or if, after the slaughter of any animal, it shall be found to be diseased, and such owner or occupier, as soon as the animal is inspected and condemned, shall not immediately thereupon cause the entire carcass to be destroyed by fire in the presence of the inspector, such owner or occupier shall, for every such offence, forfeit and pay any sum not exceeding fifty pounds, nor less than ten pounds: Provided, however, that should the owner of any animal which may be condemned by the inspector object to the decision of that officer, such owner shall be at liberty to appoint some veterinary surgeon or other competent person as arbitrator in his behalf; and in the event of the inspector and such veterinary surgeon or other competent person not agreeing, it shall be

Inspector may enter shops, &c., for certain purposes.

135. Any such inspector may, and he is hereby empowered, at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall, or place kept or used for the sale of butchers' meat, or as a slaughter-house, and to examine any animal, carcass, meat, or flesh which may be therein; and, in case any animal, carcass, meat, or flesh appear to him to be intended for the food of mankind, and to be unfit for such food, the same may be seized; and if it appear to a Justice of the Peace, upon the evidence of a competent person, that any such animal, carcass, meat, or flesh is unfit for the food of mankind, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food; and the person to whom such animal, carcass, meat, or flesh belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding ten pounds for every animal or carcass, piece of meat or flesh, so found.

Cleansing of slaughter-houses.

136. Every slaughter-house within the said Municipality shall be thoroughly washed and cleansed within one hour after any animal shall have been slaughtered therein; and the blood, offal, and filth of all such animals as may be slaughtered in any slaughter-house, or in the premises or appurtenances thereto belonging, shall be removed once at least in every twenty-four hours; and any owner or occupier of any slaughter-house who shall neglect to comply with this By-law shall forfeit and pay, on conviction for every such offence before any two or more Justices of the Peace in a summary way, any sum not exceeding ten pounds.

Slaughtering in unlicensed premises.

137. If any person or persons shall slaughter or cause to be slaughtered any animal in any house or place not licensed for such purpose according to law, such person or persons shall forfeit and pay any sum not exceeding ten pounds nor less than two pounds for each and every animal so slaughtered.

Animals slaughtered for home consumption.

138. Nothing in these By-laws contained shall extend to or affect any person or persons slaughtering at his or her or their own residences within the said Municipality, animals for the personal consumption of himself, herself, or themselves, or of his, her, or their family, servants, or labourers: Provided that the place where any such animal so slaughtered be not less than fifty yards from any street or other public place, or from any residence other than the residence of such person or persons so slaughtering, as in the By-law aforesaid.

Streets and public places, &c.

New roads to be reported upon.

139. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by the Improvement Committee, and reported upon to the Council by such Committee.

Plans of proposed new roads, &c., to be deposited.

140. Whenever any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such

road, street, way, park or other place, he or they shall furnish the Council with a plan, or plans signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. And he or they shall execute an instrument dedicating such road, street, way, park, or other place as the Council may consider necessary.

Roads and streets, and encroachments thereon, &c.

141. The surveyor of the Municipality, or other proper officer or person duly authorized by the Council in that behalf, shall be the proper officer for making out, and shall fix, mark, and lay out, when and where necessary in the opinion of the Council or Improvement Committee, the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot-ways thereof which now are, or shall hereafter, be under or subject to the control, construction, care, or management of the Council. And it shall be the duty of such surveyor or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage, and 12 feet for the footway on each side, where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council, of any such road, street, lane, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided.

Change of street levels.

142. Whenever it may be deemed necessary to alter the street level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection, and no objection thereto shall be entertained by the Council unless made within twenty-one days after such notice shall have been given. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Footways may be levelled.

143. The surveyor may cause all footways to be levelled, and made as nearly as practicable of equal height and breadth and with an equal slope and inclination; and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footway, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

Temporary stoppage of traffic for repairs.

144. The Committee for Works, or any officer or person acting under the authority of such committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purposes; and any person or persons offending against this By-law, either by travelling on street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

No encroachment allowed on streets, &c.

145. Whenever any road, street, lane, or thoroughfare has been marked out in manner herein provided, no house, shop, fence, or other structure shall be allowed, except as hereinafter mentioned, to project or encroach on any part thereof; and it shall not be lawful for any person, unless for any temporary or other purpose permitted by the Council, to erect or put up any building, erection, obstruction, fence, or enclosure, or make any excavation, or hole, on or near such road, street, lane, or thoroughfare, unless due notice of the same shall have been given to the Council of the Municipality at least one week before any such building, erection, obstruction, fence, or enclosure, excavation, or hole, as aforesaid, shall be commenced to be erected or put up or made, and the assent of the Council first obtained. Any person or persons offending against this By-law shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than forty shillings; and on every successive conviction for a similar offence shall forfeit and pay a penalty of not less than five pounds.

Encroachments must be removed on notice.

146. The Surveyor or other officer of the Council may at any time, on the order of the Council, give seven days' notice in writing, directing the removal of any building, fence, sign-board, obstruction, encroachment, or erection of any kind, in and upon any reserve, road, street, lane, footway, thoroughfare, or place, under the charge of the Council, and such notice shall be served either personally or at the usual or last

known place of abode of the person to whom such erection, obstruction, or encroachment belongs, or who has erected the same, or caused it to be erected; and shall state that in the event of such notice not being complied with within ten days the work will be done at the risk and expense of the person served with such notice. And in any case where, after service of notice as aforesaid, the person served shall not comply therewith it shall be lawful for the Council to direct the removal of the same under the superintendence of its officer, and the cost thereof to be recovered from the person so served as aforesaid; and the person neglecting to comply with such notice shall, in addition to the cost of removal, be liable to a penalty not exceeding twenty-five pounds nor less than one pound; and in case of every successive offence the penalty on conviction shall not be less than five pounds.

No balcony, &c., to project more than 18 inches.

147. It shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, stringcourse dressing, or other erection or construction of any kind, to project more than eighteen inches beyond the alignment of any street, road, or thoroughfare, except with the consent of the Council first obtained, under a penalty not exceeding five pounds nor less than one pound.

Or may proceed by action.

148. Notwithstanding the above By-law the Council shall be at liberty to proceed by action for trespass in respect of any such excavation, obstruction, or encroachment.

To apply also to obstructions by Digging, &c.

149. The provisions, remedies, and penalties contained in the last two By-laws shall apply in all cases of obstruction, injuries, or encroachments by excavating under, digging, or taking away any portion of any reserves, road, fence, street, lane, footway, thoroughfare, or place within the Municipality or under the charge of the Council.

Persons obstructing overseer, &c.

150. Any person who shall wilfully obstruct or interfere with the surveyor or other officers of the Council, on any person acting for or under him or them, in the exercise of any of the duties or powers by these By-laws imposed, shall, on conviction, forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

151. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall over and above the necessary expense of repairing the injury committed, forfeit and pay for every expense any sum not less than one pound nor more than five pounds.

As to damaging buildings.

152. Any person who shall damage any building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice-bridge, culvert, sewer, watercourse, or other public property within the said Municipality, shall pay the cost for repairing the same, and if such damage be wilfully done shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Planting trees.

153. Upon any ratepayer applying to the Council to have trees planted opposite his or her premises, on any street or road within the Municipality, and such ratepayer paying to the Council the sum of ten shillings for each tree, the Council may direct the Works Committee to have such trees planted at the cost of the Council.

Damaging trees.

154. Any person who shall wilfully and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways.

155. That the owner or occupier of any land situate on the side of any street or road in this Municipality who shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any path or footway on the side of any such street or road, so as to obstruct the passage thereof, and who on demand made by the Council, or their overseer or inspector, shall not cut, or cause to be cut, lop, or cause to be lopped, all such trees, shrubs, or plants to the height of eight feet at least, the said Council and their servants, labourers, and workmen may cut, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose, the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every person so offending, shall on conviction, for every such offence forfeit and pay any sum not exceeding ten pounds.

Preventing and Extinguishing Fires.

Fire or combustible materials, &c.

156. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction shall be deemed guilty of a second offence against this By-law.

Inflammable Fences, &c.

157. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and fails to remove such fence, stack, or covering, within a reasonable time after such conviction as aforesaid, shall be deemed guilty of a second offence against this By-law.

Setting fire to matter without notice.

158. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling-house or other building or boundary or dividing fence within the said Municipality, without having given notice in writing to the occupiers of the land adjoining the land upon which such matter is, that it is his or her intention so to do, or between the hours of six in the afternoon of any day, and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds.

Wilful trespass.

159. Every person who shall wilfully let in or knowingly suffer to enter upon the reserves or public recreation ground any animals without due authority shall be deemed guilty of wilful trespass and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

160. Any person pulling down, destroying, defacing, or injuring any marks, or any fence, or other erection without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds or less than one pound.

Erection of houses, &c.

161. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place in the Borough without first serving notice, in writing, on the Mayor or Council Clerk, on any lawful day, between the hours of eight o'clock a.m. and eight o'clock p.m., stating such intention, and describing the proposed situation of the building or erection, and without having received an authority from the Mayor or Council Clerk, who will give the required level and alignment, if in a proclaimed street, on a payment of a fee of ten shillings. No person shall be at liberty to encroach beyond the building line in any street, or lane, by the erection of houses, verandahs, doorsteps, fences, or any other obstruction whatever.

Houses, &c., to be spouted.

162. All proprietors of houses within the Municipality having a frontage to any main thoroughfare shall be bound to have the same sufficiently spouted with down pipe, to be carried under the surface of the footpath into the gutter, under a penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction the offender shall be again liable to a like conviction and penalty also for every succeeding seven days.

Using bark for building in the main thoroughfares.

163. No person shall erect any building of bark or roofed with that material or with calico within the populous parts of the town, except by express permission of the Council, and then for a temporary purpose only; any person so offending shall on conviction be liable to a penalty not exceeding ten

Offences Against Public Decency.

Bathing prohibited within certain limits.

164. Any person who shall bathe near or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the said Municipality, between the hours of seven in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of person.

165. Any individual who shall offend against decency, by exposure of his or her person in any street or public place within the said Municipality, or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than two pounds.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

166. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place or dwelling-house in the said Municipality, shall give notice in writing, twenty-four hours previously to the Council Clerk, who shall appoint a time when the same shall take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

167. With the exception of emergent matters hereinafter especially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses—Expenses authorized to be reported—Outlay to be in accordance with the orders of the Council.

168. For emergent matters, and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlay to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor, for necessary current expenses, to the extent of ten pounds.

Provided that in every case, a detailed report in writing of every such outlay shall be laid before the Council at its next meeting, such report to be signed by the Chairman of the Committee of Works, or the Mayor.

All claims to be examined and reported upon by Finance Committee.

169. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee, before any order shall be made for payment of such accounts or demands.

Certificate required with each claim—Salaries and wages to be payable on Mayor's order—Certificates to be attached to report.

170. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee or Mayor, showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment. And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers, employed at fixed rates of payment by order of the Council, the certificate of the Mayor of the amount due to such officer, servant, or labourer, and the order of such Mayor for payment of such amount shall be a sufficient authorization for such payment.

Common seal and records of the Council—Common seal and press, how secured—Care of same.

171. The common seal, and the press to which the same is attached, shall be secured by a cover or box, which—except when such seal and press are in use—shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor, and the other by the Council Clerk. Such common seal and press shall be in the custody and care of the Council Clerk.

When and how common seal to be used.

172. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account, &c., be kept.

173. All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers, in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same, but the Mayor or Council Clerk may for any special purpose authorize their removal.

Books, &c., not to be shown or exposed to view without leave

174. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without the written permission of the Mayor. Any member or officer who shall commit a breach of this section shall be liable on conviction to a penalty of not less than ten shillings nor more than two pounds: Provided always that the rate-books shall at all reasonable times be open for inspection by ratepayers.

Records not to be removed

175. Any person removing any such book, paper, or record from the Council Chambers, without leave from the Mayor or Council Clerk, in writing first had and obtained, shall be subject to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have received such book, paper, or record, and shall not have returned the same, to prosecution for stealing such book, paper, or record, or to an action at law for detention of the same, as the circumstances of the case may warrant.

GENERAL BY-LAWS.

Cellars or Openings, &c.

Cellars or openings beneath footways prohibited.

176. It shall not be lawful for any person to make any cellar or any opening, door, or window in or beneath the surface of the footway of any road, street, lane, thoroughfare, or other public place within the said Municipality; and if any person shall offend in the premises he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices, provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered.

177. Every person who shall have a well situated between his or her dwelling-house or the appurtenances thereof and any street or footway within the limits of the Municipality, or at the side thereof, or in any yard or place open and exposed to such street or footway, shall, within the space of three calendar months from the 1st of August, 1887, cause such well to be securely and permanently covered over; and if any person having such well as aforesaid, shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall, on conviction, forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Throwing of orange-peel or other substances on the footpaths.

178. Any person who shall cast or throw orange-peel, or any other vegetable substances, or any offensive or noxious substance, upon any footpath within the Municipality shall forfeit and pay for each offence a fine not exceeding ten shillings.

For Preventing obstructions of any Streets or Footways.

179. Any person congregating with others in any street or footway within the city so as to obstruct the free passage and traffic through, along, or upon the same, who shall refuse or neglect to move on so as to cease from and discontinue such obstruction upon being requested so to do by any police-constable or officer, or by any inspector or other officer of the Corporation, such person so offending shall forfeit and pay a penalty of not less than five shillings and not exceeding forty shillings.

Driving or Riding on Footway.

180. Any person who shall run, roll, drive, draw, place or cause, permit or suffer to be run, rolled, driven, drawn, or placed upon any footway any waggon, omnibus, cart, dray, stage, bicycle, tricycle, carriage, wheelbarrow, truck, cask, or any other vehicle, or shall lead, drive, ride, or place any horse, cattle, or other beast upon any footway, shall forfeit and pay a penalty not exceeding five pounds nor less than ten shillings.

Driving carriages, &c., on footways, and throwing filth, &c.

181. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing, in or upon the carriage-way or footway of any street or other public place in the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any such street or other public place as that any blood or filth shall run or flow up or over or be on any or either of any such carriage or footway, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, handbarrow, or

truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence.

Riding and driving round corners, &c.

182. Any person who shall ride or drive round the corner of any road, street, or lane within the said Municipality at a faster pace than a walk shall, on conviction, forfeit and pay any sum not exceeding twenty shillings nor less than five shillings.

Injuring or extinguishing lamps.

183. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence any sum not less than one pound nor more than five pounds.

Placarding or chalking on walls, &c.

184. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, footpath, fence, or building within the limits of the said Municipality, nor to deface any such wall, house, or building by chalk or paint or in any other manner; and any person who shall be guilty of any such offence shall, upon the complaint of the owner or occupier of any such wall, house, or building, forfeit and pay, on conviction, the sum of ten shillings.

Trees in streets.

185. The Council shall have power to plant trees, shrubs, and plants in the streets and public ways of this Municipality and any person wilfully injuring or destroying any of such trees, or any railing, fence, or thing protecting the same, shall, on conviction, forfeit and pay a penalty of not more than ten pounds nor less than one pound, in addition to the value of the trees, railing, fence, or thing so injured.

Fireworks.

186. Every person who, without leave of the Council previously had and obtained, shall light any bonfire, tar-barrel, or firework upon or within sixty yards of any public or private street or any public place; or who shall sell gunpowder, squibs, rockets, or other combustible matter, by gas, candle, or other artificial light, shall forfeit for every such offence a sum not less than ten shillings nor more than ten pounds.

Stacking or Storing Empty Cases in the Open Air.

187. Every person who, being the occupier of, or having the control and use of any vacant land, yard, right-of-way, or passage of whatsoever description within the city shall place, or cause or permit to be placed, or suffer to remain after being placed in the open air on any vacant land, or in any yard, street, right-of-way, or passage, any cases, paper, shavings, or crates whether containing merchandise or not, packed with straw or other inflammable substance, shall forfeit and pay a penalty of not less than one pound and not exceeding ten pounds; and each day's continuance of the same unabated or unremoved shall be deemed a separate offence, and every person so offending shall forfeit and pay a penalty of one pound for every day the nuisance shall remain and continue.

Miscellaneous.

Leave of absence.

188. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of Council, adopted after due notice.

Mode of calling for tenders.

189. Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such work, or the supply of such material, shall be called for by public notice as hereinafter provided.

Draft of intended By-laws.

190. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer, who may desire to inspect the same; and public notice shall be given as hereinafter provided, that such draft is so lying for inspection.

SCHEDULE A.

Warrant of Distress.

I, Mayor of the Municipal Council of Burrowa, do hereby authorize you the Bailiff of the said Municipality to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at for being the amount of rates due to the said Municipality to the day of for the said dwelling-house (or land or premises as the case may be), and to proceed for the recovery of the said rates according to law.

Dated this day of 18 .

Mayor.

SCHEDULE B.

<i>Costs.</i>		s. d.
For every warrant of distress		2 6
For every warrant and making levy where the sum is not more than £20		3 0
Above that sum, in addition for every £1		1 0
For making and furnishing copy of inventory		3 0
For man in possession each day, or part of day		6 0
For sale, commission, and delivery of goods, per pound on proceeds of sale		1 0

SCHEDULE C.

Inventory.

I HAVE this day, in virtue of the warrant under the hand of the Mayor of the Municipal Council of Burrowa, dated and distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at within the said Municipality, for being the amount of rates due to the said Municipality to the day of

Dated day of 18 Bailiff.

SCHEDULE D.

Table of license fees payable by proprietors, drivers, and conductors of licensed vehicles.

Proprietors of	On and after	On and after	On and after	On and after
	1st January.	1st April.	1st July.	1st October.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Omnibuses and coaches.	0 10 0	0 10 0	0 5 0	0 5 0
Cars	1 10 0	1 2 6	0 15 0	0 7 6
Hackney carriages	2 0 0	1 10 0	1 0 0	0 10 0
Cabs	1 10 0	1 2 6	0 15 0	0 7 6
Water-carts, drays, carts, or vans.	0 2 6	0 2 6	0 2 6	0 2 6

For every driver's license for a vehicle to carry passengers. 0 5 0

For every conductor's license for a vehicle to carry passengers. 0 5 0

SCHEDULE E.

Table of maximum fares chargeable by drivers or proprietors of licensed hackney carriages and cabs within the Municipality of Burrowa.

For a cab to carry one or two persons, as required by hirer,—

For not exceeding quarter of an hour.....	s. d.
	1 0
For every subsequent quarter of an hour or part thereof within the first hour of hiring	1 0
For every quarter of an hour or part thereof after the first hour	0 9

For a hackney carriage to carry five persons, if required by hirer.

For not exceeding half an hour	2 6
For exceeding half an hour, but not exceeding one hour	5 0
For every quarter of an hour or part thereof after the first hour	1 0

SCHEDULE F.

Any van or dray used for the removal of household furniture shall be paid as follows:—

For the first hour or part thereof.....	s. d.
	2 6
For every additional half-hour or part thereof	1 3

SCHEDULE G.

The following places are appointed stands for licensed vehicles:—Court-street, on the west side, between Brial and Pudman Streets; Marsden-street, on the east side, between Jugiong and Scott Streets.

SCHEDULE H.

Form of License for Proprietors and Drivers.

THIS is to certify that is hereby licensed to No. within the Municipality of Burrowa, from the date hereof to the thirty-first day of December next, subject, nevertheless, to all and every the By-laws, Rules, and Regulations in force relating thereto.

Given under our hand at Burrowa, this day of in the year of our Lord one thousand eight

- hundred and
- Build.
- Colour.
- Lining.
- Name.
- Stand.
- Line of Road.

Licensed to carry inside passengers and outside.

Mayor.
Council Clerk.

SCHEDULE I.

A Requisition for License.

To the Council Clerk of the Municipality of Burrowa.

I, , residing in street, within the Municipality of Burrowa, do hereby request that a license may be granted to me, , within the limits of the said Municipality.

Dated at Burrowa, this day of A.D. 18 .

We certify that is above the age of eighteen, of good character, and capable of driving.

Passed by the Municipal Council of the Municipality of Burrowa, on the thirtieth day of April, in the year of our Lord one thousand eight hundred and eighty-nine.

(L.S.) PATRICK RYAN,
ALLEN HANCOCK, JUNR., Mayor.
Council Clerk.

1890.

 NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF GRAFTON—BY-LAW.)

 Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

 Colonial Secretary's Office,
 Sydney, 10th January, 1890.

BOROUGH OF GRAFTON.—BY-LAW.

THE following By-law, made by the Council of the Borough of Grafton under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

 BOROUGH OF GRAFTON.
Repeal of By-law and substitution of new By-law.

BY-LAW No. 15 of Part IV of the Grafton Borough Council's By-laws, made the 20th February, 1884, and approved and confirmed by the Executive Council on the 21st January, 1885, and published in the Government Gazette No. 32, of date 21st January, 1885, has, by resolution of the Grafton Borough Council, duly made and confirmed, been repealed, and the undermentioned new By-law substituted in lieu thereof:—

15. Any person who shall ride or drive round the corner of any street, road, or public place, or over any bridge or culvert within the said Borough, at a pace faster than a walk, shall on conviction forfeit and pay a sum of not exceeding two pounds nor less than ten shillings for every such offence.

 Made and passed by the Council of the Borough of Grafton, this thirteenth day of November, in the year of our Lord one thousand eight hundred and eighty-nine.

THOMAS PAGE, Council Clerk.

(L.S.) SAMUEL SEE,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF MUSWELLBROOK.—AMENDED BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 20th February, 1890.**MUNICIPAL DISTRICT OF MUSWELLBROOK.—AMENDED BY-LAW.**

THE following Amended By-law, made by the Council of the Municipal District of Muswellbrook under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF MUSWELLBROOK.

At a Meeting of the Council of the above District, held on Wednesday, the 6th day of November, 1889, a resolution was adopted for further amending section 27, Part 6, of the Municipal By-laws, by inserting after the words "shall forfeit and pay" in respect of every such animal, and after the words "for every such offence" a sum not exceeding twenty shillings nor less than one shilling.

AMENDED BY-LAW.

Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within forty yards of any street or public place in the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or her, or under his or her charge, to stray, or to go about, or to be tethered, or depastured in any street, road, or public place within the said Municipal District, shall forfeit and pay for every such offence a sum not exceeding twenty shillings nor less than one shilling.

(L.S.) S. J. DOWELL,
Mayor.Council Chambers, Muswellbrook,
6th November, 1889.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BLAYNEY.—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 27th February, 1890.

MUNICIPAL DISTRICT OF BLAYNEY.—AMENDED BY-LAWS.

THE following Amended By-laws, made by the Council of the Municipal District of Blayney under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BLAYNEY MUNICIPALITY.—AMENDED BY-LAWS.

PART I.

No. 1. The Council shall meet for the despatch of business at the hour of 8 p.m. every alternate Wednesday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor shall appoint.

PART IV.

No. 25. Any person who shall bathe near or within view of any inhabited house, or of any public bridge, street, road, or other place of public resort within the limits of the Municipality, between the hours of 7 a.m. and 6 p.m. from 1st September to 31st March, or between the hours of 7.30 a.m. and 4.30 p.m. from 1st April to 31st August, shall on conviction pay a sum not exceeding one pound for each offence.

Passed by the Municipal Council, 19th December, 1889.

(L.S.) SAMUEL MARSDEN,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF ST. LEONARDS.—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 27th February, 1890.

BOROUGH OF ST. LEONARDS.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of St. Leonards under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS made by the Council of the Borough of St. Leonards under the provisions of the "Municipalities Act of 1867," for providing for the Constitution of Standing Committees.

1. By-law No. 73, Part I, of By-laws published in the Government Gazette, No. 324, of 4th June, 1887, is hereby repealed.

2. Each of the three Committees first named in By-law No. 72, Part I, shall consist of four members, of whom one shall be taken from among the Aldermen of each Ward. The Parks Committee and Committee for General Purposes shall consist of four members chosen from any of the Aldermen, irrespective of the Wards they represent. The Mayor shall be a member ex officio of all Committees.

(L.S.) FRANCIS PUNCH,
Mayor.

The corporate Common Seal of the Borough of St. Leonards was hereunto affixed by Francis Punch, Esq., the Mayor for the time being, this 3rd day of January, 1890, in the presence of—

W. BARNETT SMITH,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF WAGGA WAGGA—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 10th March, 1890.

BOROUGH OF WAGGA WAGGA.—BY-LAWS.

THE undermentioned By-laws, made by the Council of the Borough of Wagga Wagga, under the "Municipalities Act of 1867," for the regulation and management of Public Vehicles, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

BOROUGH OF WAGGA WAGGA.

BY-LAWS for fixing and locating stands for public vehicles, cars, hackney-carriages, cabs, omnibuses, and passenger-carrying vehicles, and for regulating the management and the fares to be charged by the proprietors, drivers, and conductors of such vehicles:—

1. The places specified in Schedule A hereto annexed are hereby respectively appointed public stands for licensed vehicles. The Council may by resolution from time to time, as they may see fit, alter the position of such stands or locate additional stands.

2. No person suffering from any infectious disease shall ride in or upon any licensed vehicle, and no driver or conductor of such licensed vehicle shall knowingly carry or permit to be carried any such person or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace; and no passenger shall carry on any licensed passenger-carrying vehicle any animal or any substance of any offensive character, or that might soil or damage the vehicle or the apparel of other passengers, and no driver or conductor shall sleep in or upon any licensed vehicle or use the same for eating his meals therein.

3. The driver of any hackney-carriage or cab carrying passengers shall (except when turning street-corners or going over crossings) proceed with such hackney-carriage or cab at a speed of not less than six miles an hour, unless when attending funerals, or when otherwise ordered by the hirer.

4. The driver of any licensed vehicle shall not stand or loiter at any place in a public street within the said Borough excepting he be bona fide waiting for a passenger.

5. The fares payable by persons hiring licensed passenger-carrying vehicle shall be according to the scale fixed by Schedule B hereto annexed.

6. Copies of Schedule B shall be placed in each licensed vehicle by the proprietors thereof in such a position as to be easily seen by passengers.

7. For every offence against the provisions of this part of these By-laws to which no special penalty has been attached the offender shall pay a penalty not exceeding ten pounds nor less than five shillings.

8. Whenever the word "vehicle" shall be used in this part of these By-laws the same shall be understood to apply to either an omnibus, car, hackney-carriage or cab; and an omnibus shall be meant to be a vehicle upon four wheels drawn by two or more horses; and a hackney-carriage shall mean a vehicle upon four wheels drawn by one or more horses; and a cab, a vehicle upon two wheels drawn by one horse.

9. No proprietor or driver of any hackney-carriage or cab within the said Borough shall demand, receive, or take more than the several fares or sums mentioned or set forth in the Schedule B to these By-laws, or such other sums as the Council of the said Borough shall from time to time determine or appoint in substitution thereof as hereinafter provided; and every proprietor, driver, or conductor failing to comply with this By-law shall for every such offence forfeit and pay a penalty or sum of not exceeding five pounds nor less than five shillings.

10. No driver of any hackney-carriage or cab shall refuse to take up any passenger or passengers unless already engaged for hire, nor refuse to convey such passenger or passengers to such place or places within the said Borough as he, she, or they may reasonably desire; and every person failing to comply with this By-law shall forfeit and pay a penalty or sum not exceeding five pounds for every such offence.

11. No driver of any licensed vehicle shall be or remain at such a distance from his horse or horses, while attached to his vehicle, anywhere within the said Borough as not to have immediate and full control over the same; and every person so doing shall for every such offence forfeit and pay a penalty or sum not exceeding five pounds nor less than five shillings.

12. The owner of every cab or hackney-carriage must provide, and the driver is bound to give every passenger on demand a printed ticket containing a copy of Schedule B of these regulations, and on such ticket there shall be written or printed the number of the vehicle and the owner's name and address.

13. The driver of any cab or hackney-carriage who shall stand with his vehicle at any place within the Borough which is not included in Schedule A hereto, or has not been fixed or determined by resolution of the Council to be a Stand within the meaning of these By-laws, shall for every such offence be liable to a penalty not exceeding sixty shillings.

SCHEDULE A.

No. 1 Stand: For cabs.—On the north-eastern side of Fitzmaurice-street, from its intersection with Little Gurwood-street to the Commercial Bank.

No. 2 Stand: For cabs and hackney-carriages.—On the north-western side of Little Gurwood-street, from its intersection with Fitzmaurice-street to the lock-up.

No. 3 Stand: For cabs and hackney-carriages.—On the eastern side of Baylis-street, from its intersection with Edward-street to the railway gates.

SCHEDULE B.

Scale of fares to be charged by persons plying cabs and hackney-carriages :—

For any time not exceeding one quarter of an hour, for each passenger 1s.

For every subsequent quarter of an hour or part thereof, for each passenger 1s.

But if engaged for more than one hour then for each passenger, for every additional quarter of an hour or part thereof 9d.

Vehicles to travel at the speed of not less than six miles per hour, except when otherwise ordered by the hirer.

Double fare after 10 o'clock p.m.

For journey within the Borough, to or from any train arriving at the railway station after midnight, and before 5 o'clock a.m., for each passenger 2s. 6d.

The above By-laws were passed at a duly convened meeting of the Borough Council of Wagga Wagga, held on the 19th of December, 1889.

(L.S.) HY. BERKELEY FITZHARDINGE,
Mayor of Wagga Wagga

J. HAWKES, Council Clerk,
Wagga Wagga.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF STRATHFIELD.—AMENDED BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 17th April, 1890.

MUNICIPAL DISTRICT OF STRATHFIELD.—AMENDED BY-LAW.

THE following Amended By-law, made by the Council of the Municipal District of Strathfield under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF STRATHFIELD.—AMENDED BY-LAW UNDER THE "MUNICIPALITIES ACT OF 1867" AND ITS AMENDMENTS.

Repeal of By-law Gazetted 11th August, 1886, folio 5452.

1. By-law No. 1, Part II, as published in the Government Gazette under date the 11th day of August, one thousand eight hundred and eighty-six, folio 5452, is hereby repealed.

Time and mode of collection of rates.

2. All rates levied or imposed by the Council, under the Municipalities Act of 1867 and its amendments, shall be levied and collected for the year, and shall be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Passed by the Municipal Council of the Municipal District of Strathfield, on Tuesday, the fourth day of March, one thousand eight hundred and ninety.

J. H. BALMAIN, Council Clerk.

(L.S.) J. HINCHCLIFF, Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NARANDERA.—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 21st April, 1890.

BOROUGH OF NARANDERA.—BY-LAW.

THE following By-law, made by the Council of the Borough of Narandera under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

NARANDERA BOROUGH COUNCIL—BY-LAW.

Processions, Parades, &c.

ANY person desiring to organize or carry out any procession or parade in any street within the Municipality, shall first apply to the Mayor for the time being for permission for such purpose; and if any person shall organize or head any procession or parade of any kind, within or along any of the said streets, for which the permission in writing of the Mayor has not been obtained, he or she shall be liable to a penalty not exceeding five pounds; and any person who shall join or take any part in any such procession or parade shall be liable to a penalty of two pounds. This By-law shall not apply to any Volunteer Military Corps or Fire Brigade, the members whereof shall be in uniform and in charge of an officer of such corps or brigade.

Made and passed by the Borough Council of Narandera, this 20th day of January, 1890.

Council Chambers, Narandera,
20th January, 1890.

(L.S.) BRUCE KENNEDY,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF LITHGOW.—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 1st May, 1890.

BOROUGH OF LITHGOW.—BY-LAWS.

The following By-laws, made by the Council of the Borough of Lithgow under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

PART I.

Meetings of Council.

Ordinary Meetings.

1. The Council shall meet for despatch of business at the hour of 7.30 p.m. every alternate Monday, unless such day shall happen to be a public holiday. In the latter case, the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.—Adjournment for want of quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting, to give place to the Mayor if he should arrive at any later hour during meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down, and shall be recorded in the minute book.

Order of Business.

Business of Ordinary Meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings :—

- (1.) The minutes of the last preceding meeting to be read, corrected, if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
- (2.) Correspondence to be read, and, if necessary, ordered upon.
- (3.) Petitions (if any) to be presented and dealt with.
- (4.) Reports from Committee and minutes from the Mayor (if any) to be presented and ordered upon.
- (5.) Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of its Committees or officers, to be made.
- (6.) Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
- (7.) Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

4. Provided it shall be competent to the Council at any time, by resolution without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at Special Meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business paper for Ordinary Meeting—how prepared.

6. The business paper for every meeting of the Council other than a special meeting shall be made up by the Town Clerk or other person acting as his substitute, not less than forty-eight hours before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 4 of this Part of these By-laws, in the same order as such notice requisition, or direction shall have been received.

Business paper for Special Meeting.

7. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Summons to Members.

8. The summons to members of the Council of every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

9. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be record of the Council.

Notices of motion, &c.

10. All notices of motion and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute book of the manner in which such matter has been disposed of shall have been duly verified as required by section 1 of clause 3 of this Part of these By-laws: provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

Motions and Amendments.

Motions how to be moved.

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from such business paper and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper shall, as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by the consent of the Council, when it shall be competent for any Alderman present to move it on behalf of the absent Alderman.

Motions to be seconded.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council has been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it shall be reduced to writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended questions.

17. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How amendments to be put.

18. Any number of amendments may be proposed on a motion before the Council, and when more than one amendment shall have been moved and seconded, the question shall first be put on the last amendment, then on the next preceding the last, and so on in inverse order to that in which they shall have been moved, unless when such motion or amendment shall relate to the fixing of salaries, rates, or other matters of finance, in which case the lowest sum shall be put first, then the next lowest, and so on to the highest.

Motions for adjournment.

19. No motion for adjournment of the Council shall be discussed; if seconded, such motion shall be put at once; if negatived, no similar motion will be permitted to be made until half-an-hour has elapsed after putting the one that has been negatived, and the subjects on the business paper shall be proceeded with in order.

Motions to be in writing and not withdrawn without leave.

20. The Town Clerk shall put every motion into writing which shall be signed by the mover; and every motion, when seconded and read by the Clerk, shall be considered the property of the Council, and shall not be withdrawn without leave of the Council.

Orders of the Day.

Of what Orders of the Day shall consist.

21. The orders of the day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or Chairman, or any Committee of the Council, shall have directed to be entered on the business paper for consideration, and all such matters may be dealt with by the Council as if due notice of motion had been given in respect thereof.

How they are to be dealt with.

22. The Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that the Mayor or Chairman for the time being may, as to any order of the day entered by his direction, arrange with and call upon any Alderman to move the same.

Petitions.

Petitions to be respectfully worded.

23. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions how received.

24. All petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

25. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received and referred to one of the permanent Committees hereinafter mentioned, or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

Correspondence.

Duties of Mayor as to correspondence.

26. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read as by section 23 of this Part of these By-laws is imposed on Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letters addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Letters sent not to be discussed, but every letter may be subject of motion.

27. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor or Council Clerk, and copies of which may be read to the Council: Provided, however, that any notice of motion consistent with good order may be entertained with reference to any letters, whether read or not, or with reference to any letters addressed to the Council which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

Reports from Committees—Minutes from Mayor—Form of report.

28. All reports from Committees shall be written on foolscap paper with a margin of at least one-fourth of that paper, and shall be signed by the Chairman of such Committee, or on his behalf by some other member of the same.

Mayor's minutes.

29. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written on paper of the same kind and with the same margin as a report from a Committee, and shall be signed by such Mayor.

Questions and Statements.

Limitations.

30. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 4 of this Part of these By-laws.

Notice to be given.

31. Twenty-four hours' notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answer not compulsory.

32. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

33. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

34. Every such statement must be made without argument.

No discussion on question, &c.—Rights of objection and of subsequent motion reserved.

35. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council.

36. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in a like manner; but in every such case the question so put, and the answer thereto, shall be subject to every legal objection on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations—as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

37. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order as hereinafter provided.

Limitation as to number of speeches, &c.

38. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak longer than fifteen minutes nor oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purposes of such explanation.

Mover and seconder.

39. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Aldermen using offensive expressions to apologize.

40. When any member of the Council shall make use of any language or expression offensive or capable of being applied offensively to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council; and if any Alderman shall refuse to withdraw such language and apologize, he shall be deemed guilty of misconduct, and be liable to a fine of not less than twenty shillings nor more than five pounds.

Adjournment of debate.

41. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

42. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Aldermen may require questions to be stated, &c., under certain restrictions.

43. Any Alderman may request the matter or question under discussion to be stated or read for his information, or may require the production of any records of the Council bearing upon any such question or matter. No such request or requisition shall be made so as to interrupt any Alderman when speaking.

Mayor or Chairman not to move or second motion, &c., but may address Council thereon.

44. The Mayor or Chairman shall not move any motion or amendment, nor put any question, as provided for by section 4 of this Part of these By-laws, except as is further provided for by section 37 of the same; but such Mayor or Chairman

shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless as in section 37), but shall be considered as still presiding.

Questions of Order.

Mayor may call members to order.

45. The Mayor or Chairman for the time being may, without the interposition of any other member of the Council, call any Alderman to order, whenever in the opinion of such Mayor or Chairman there shall be a necessity for so doing; and if any Alderman shall so persist as to interfere with the proper conduct of the business of the Council, the Mayor may at once adjourn the said Council meeting to another day.

Decision of points of order.

46. The Mayor or Chairman for the time being, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting on the same.

Motion out of order to be rejected.

47. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected.

Mode of Voting.

How questions to be put.

48. The Mayor or Chairman for the time being shall put to the Council all questions on which it shall be necessary that a vote be taken, and declare the sense of the Council thereon.

Division.—Penalty for refusing to vote.

49. Any Alderman may call for a division, and the votes shall be taken by a show of hands. In such case the question shall be put first in the affirmative and then in the negative, and the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for who shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than five shillings nor more than two pounds.

Committee of whole Council.

Business in Committee.

50. The Council may at any time resolve itself into a Committee of the Whole for the consideration of any matter affecting the Borough, and the business of such Committee of the whole Council shall be conducted according to the rules hereinbefore provided as near as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Calls of the Council.

How to be made.

51. A call of the Council may be made by any resolution which may be moved, without previous notice, for the consideration of any motion or matter of business before the Council.

Calls to be compulsory in certain cases.

52. No motion, the effect of which if carried would be to rescind any resolution, order, or decision of the Council, shall be entered on the business paper, unless a call of the Council has been duly made and granted for such purpose.

Mode of proceeding.

53. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered; and all absent members shall be liable to a penalty of five shillings for such absence, recoverable in a summary manner; provided that the said Council may excuse such absence for any reasonable cause.

Standing Committees.

54. There shall be two permanent Committees, a "Works" and a "Finance" Committee, and these Committees shall be appointed every year by ballot at the first meeting of the Council.

55. The Works Committee shall have the general direction of all works ordered and sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

56. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect or to be likely to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Records of transactions in Committee.

57. The Chairman of each Standing Committee shall make, or cause to be made, in a book kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

58. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, within seven days after their appointment.

59. The Chairman of every Committee shall be the convener thereof, or any two members, and may direct the Council Clerk to call meetings whenever he shall think it expedient.

60. Every report of a Committee shall be signed by the Chairman thereof.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

61. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses—Expenses authorized to be reported—Outlay to be in accordance with the orders of the Council.

62. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

- (1.) By order of the Improvement Committee, or of the Mayor, and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
- (2.) By order of the Mayor, for necessary current expenses, to the extent of ten pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting, such report to be signed by the Chairman of the Improvement Committee or the Mayor.

All claims to be examined and reported upon by Finance Committee.

63. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's order.—Certificates to be attached to report.

64. No payment shall be so ordered unless there shall be a certificate or memorandum from the Committee or Mayor showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment before recommending payment; and provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment by order of the Council, the certificate of the Mayor of the amount due to such officer, servant, or labourer, and the order of such Mayor for payment of such amount, shall be a sufficient authorization for such payment.

Custody of records, seal, &c.

65. The common seal and all charters, books, papers, and records of the Council shall be kept in the Council Chambers or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose; and the common seal shall not be used except with the signature of the Mayor.

How books of accounts, &c., be kept.

66. All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers, in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same; but the Mayor or Council Clerk may, for any special purpose, authorize their removal.

67. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without the written permission of the Mayor. Any member or officer who shall commit a breach of this section shall be liable, on conviction, to a penalty of not less than ten shillings nor more than two pounds.

68. Any person removing any such books, papers, or records from the Council Chambers without leave from the Mayor or Council Clerk in writing first had and obtained, shall be subject to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have received such book, paper, or record, and shall not have returned the same, to prosecution for stealing such book, paper, or record, or to an action at law for detention of the same as the circumstances of the case may warrant.

69. Every person removing any document or record with such consent as aforesaid shall give a receipt under his hand for every such document, which receipt shall be carefully preserved among the records until the document or other record to which it refers shall have been returned, when such receipt shall be destroyed.

Penalty for destroying or defacing records.

70. Any person destroying or defacing, or wilfully or improperly altering any books, papers, or records, shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

71. A detailed account of all moneys received and of all sums disbursed on behalf of the Council, up to the end of each month, and also the cash-book and bank pass-book, balanced, shall be laid before the Council by the Town Clerk at each monthly meeting, or oftener, if required.

72. Every contractor shall be required to find approved securities for the due performance of his contract.

73. In no case shall the Council accept as surety for the due and faithful performance of any duty or contract, any member of the Council nor any person holding office or employment under the Council.

Officers and Servants.

Notice to Candidates.

74. No appointment to any permanent office at the disposal of the Council shall take place until notice shall have been given as hereinafter provided, inviting application from qualified candidates for the same.

Mode of appointment.

75. Every such appointment shall be made by ballot, in such mode as may at the time be determined upon, whenever there is more than one candidate for such permanent office.

Exceptional cases.

76. Nothing herein contained shall be held to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

Bonds for good conduct.

77. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Town Clerk.

78. The Town Clerk, in addition to the duties which by the "Municipalities Act of 1867" and the "Municipalities Act of 1867 Amendment Act of 1874," or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Acts; he shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council; he shall likewise have charge of all the records of such Council, except such books or documents as may be entrusted to any other officer, and shall be responsible for the safe keeping of such records; he shall generally assist the Mayor in carrying out the orders of the Council and the duties of the Mayor, and shall make a half-yearly return of the revenue and expenditure.

Duties of officers and servants.

79. The duties of all officers and servants of the Corporation, in addition to the duties which by the present or any other By-laws thereunder they may be required to perform, shall be defined by such regulations as may from time to time and in accordance with law be made.

Special powers of Mayor.

80. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such return or statement, explanation, or information already given and on record, or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanations or information may be either rendered viva voce or put into writing as the Mayor may direct.

How complaints against officers be dealt with.

81. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the case before the Council, shall have power to investigate the same; and if any such complaint be made to

the Council or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided at every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing; and such Mayor shall state in writing the result of every such investigation, and his opinion as to what order, if any, ought to be made in connection therewith; and such complaints, with all reports, explanations, and information as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided, further, that nothing herein contained shall be held to affect in any way the special power conferred upon the Mayor by section 152 of "Municipalities Act of 1867," or any other special power which now is or hereafter may be conferred by statute upon such Mayor.

Leave of absence.

82. No leave of absence shall be granted to the Mayor or any Alderman otherwise than by a resolution of Council adopted after due notice.

Mode of calling for tenders.

83. Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice as hereinafter provided.

Draft of intended By-laws.

84. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

Motions for the rescission of previous orders.

85. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been remitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after due notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

86. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration shall in such case be resumed at next meeting, at the point where it was so interrupted.

How notices are to be published.

87. In all cases where public notice is or shall be required to be given by any By-law, such notice shall be given and published by advertising the same in some newspaper circulating in the Municipality.

Mode of proceeding in cases not provided for.

88. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, as far as the same are applicable to the proceedings of the Council.

Suspension of By-laws.

Any of these By-laws relating to or affecting proceedings at meetings of Council may be suspended, pro tempore, in cases of emergency by resolution of the Council.

PART II.

Collection and enforcement of Rates.

Rates when due and payable.

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall by resolution, without any notice of motion, from time to time appoint.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

3. Every person not paying his or her rates as aforesaid within thirty days after the day appointed for payment thereof shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce the payment of all rates in default, either by action at law or by issuing warrants of distress upon the goods and chattels of the defaulter.

Bailiff, how appointed.

5. The Bailiff of the Municipality shall be appointed by the Council, and may from time to time be removed by them.

Bailiff to find sureties.

6. The Bailiff shall find two sureties to the satisfaction of the Council to the extent of (£25) twenty-five pounds each, for the faithful performance of his duty.

Duties of Bailiff.

7. It shall be the duty of the Bailiff to make levies by distraint for the recovery of rates in manner hereinafter provided.

Warrant of distress.

8. All levies and distresses shall be made under warrant in the form of Schedule A hereto under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

9. It shall be lawful for the Bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property, in respect of which such rate or rates shall have been made as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof. And if the sum for which any such distress shall have been made or taken, together with the costs of such distraint, shall not have been paid on or before the expiration of three clear days, the Bailiff or his deputy may, between the hours of eleven in the morning and two in the afternoon, on the next day thereafter, cause the goods so distrained, or a sufficient portion thereof, to be sold by public auction, either on the premises or at such other place within the Municipality as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and the costs of such distraint, to the owner of such goods so sold, on demand by such owner; and any person interfering with the said Bailiff in the execution of any of the duties devolving upon him under these By-laws, or hindering or preventing him from delivering to the purchaser thereof any property so sold by the said Bailiff, shall be liable to a penalty of (£5) five pounds.

Inventory.

10. At the time of making a distress, the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the Council Clerk.

Goods may be impounded.

11. The Bailiff on making a distress as aforesaid may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days as hereinbefore mentioned, to come and go to and from such place or part of the land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

12. The owner of the goods or chattels so distrained upon may at his or her option direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

13. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Deputy.

14. The Bailiff may, with the sanction in writing of the Mayor, or in his absence with the sanction of any two Aldermen of the Municipality, authorize by writing under his hand any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be responsible for the acts of such deputy.

Costs.
 15. There shall be payable to the Bailiff for the use of the Council for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Borough of _____, do hereby authorize you _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at _____ for _____, being the amount of rates due to the said Borough, to the _____ day of _____ for the said dwelling-house (or land or premises as the case may be) and to proceed thereon for the recovery of the said rates, according to law.

Dated this _____ day of _____ 189 .
 _____ Mayor.

Schedule.

Name of Occupier.	Description of property.	Situation of property.	Rates, Municipal year ending	Costs.	Total.

Given under my hand and the Common Seal of the Borough Council, Lithgow, this _____ day of _____ 189 .
 _____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Borough of _____, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of situate at _____, within the said Borough, for being the amount of rates due to the said Borough to the _____ day of _____

Dated this _____ day of _____ 189 .
 _____ Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress.....	2	6
For every levy	2	6
For man in possession, each day or part of a day.....	6	0
Inventory, sale, commission, and delivery of the goods, 5 per cent. on the net proceeds of the sale.		

PART III.

Preventing and extinguishing fires.

Fire or Combustible material, &c.

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, outhouses, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds; and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence or brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack, any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and also shall remove such fence, stack, or covering within a reasonable time after such conviction as aforesaid, or shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

3. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling-house or other building or boundary or dividing fence within the said Municipality, without having given notice in writing to the occupiers of the land adjoining the land upon which such matter shall be, of his intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds.

Fireworks.

4. Every person who shall light any bonfire, tar barrel, or fireworks upon or within ten yards of any public or private street, or any public place, or shall discharge any fire-arms without lawful cause within two hundred yards of any dwelling within the boundaries, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Any person who shall wilfully set, or cause to be set, on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common "chimney," within the said Municipality, shall forfeit a sum not exceeding five pounds.

Negligently suffering chimneys to be set on fire.

6. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimneys are situated, shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such persons prove to the satisfaction of the Justices before whom the case be heard, that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimneys or otherwise, of himself or his servants.

Water-carts attending fires.

7. There shall be paid out of the funds of the said Municipality to the owner of every licensed water-cart, who shall have attended with any water at the place of any fire, as herein provided, and delivered the same as required for the extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed in that behalf; and also to such owners of such carts as shall have been first and second in order, attended with loads of water, such further sums by way of reward as the Council may by similar resolution have fixed.

PART IV.

Streets and public places, &c.

New roads to be reported upon.

1. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by a Committee for Works, and reported upon to the Council by such Committee.

Plans of proposed new road, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, park, or other place as aforesaid. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, reserve, or other place to public use or recreation as aforesaid, as may be considered necessary by the Council, and such further instrument of dedication shall also be preserved as a record of the Council.

The Works Committee to fix street-levels, &c.

3. The Works Committee, or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways within the Municipality, and the carriage and footways thereof; and it shall be the duty of such Committee, officer, or person, to place posts at the corners or intersections of any such public roads and streets, and of the carriage-ways and footways of such roads and streets, wherever the same may be considered necessary or desirable by the Council: Provided that there shall be no change of level in any such public road, street, or way, until the same shall have been submitted to and adopted by the Council as hereinafter directed.

Change of street levels.

4. Whenever it may be deemed necessary to alter the level more than one foot of any such public road, street, or way, as aforesaid, the Works Committee shall cause a plan and section, showing the proposed cuttings and fillings, to be exhibited at

the Council Chambers fourteen days, for the information and inspection of the ratepayers, and shall notify by advertisement in some newspaper circulating within the Borough that such plan is open for inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman of such meeting, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of Council.

No turf, gravel, &c., to be removed from streets without permission.

5. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, gravel, sand, loam, or other material, in or from any part of the carriage or footway of any street or road, or any reserve or any other public place within the Municipality, without leave first had and obtained from the Council or from the Mayor, or who shall wantonly break up or damage any such carriage or footway, shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

No encroachment, &c.

6. No person shall be at liberty to encroach beyond the building-line in any street or lane by the erection of houses, verandahs, doorsteps, fences, or any other obstruction whatever; and all proprietors or lessees of houses within the Borough, having a frontage to any main thoroughfare, shall be bound to have the same sufficiently spouted with down-pipes to carry below the level of the footway in the street gutter.

Footways may be levelled.

7. When any footway shall have been marked out in the manner herein directed, the surveyor or other person as aforesaid may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination, and may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footpath, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for the said footway.

Temporary stopping of traffic for repairs, &c.

8. The Mayor, or any officer or person acting under the authority of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by traveling on such street, lane, or thoroughfare, or by destroying or removing any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty and sum not exceeding five pounds.

Drawing or trailing timber, &c.

9. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such vehicle or barrow, so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for every such offence a sum not more than forty shillings, nor less than five shillings over and above the damage occasioned thereby.

Driving carriages, &c., on foot-ways, and throwing filth, &c.

10. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or foot-way of any street or other public place in the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or near to any such street or other public place as that any blood or filth shall run or flow upon or over or be on any or either of any such carriage or foot-way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, handbarrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, or do, or cause to be done, any damage to the kerbing, streets, footways, roads, lanes, or gutters of the Municipality shall after conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for each such offence.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment upon any footpath or roadway, the person causing the same shall not remove it within thirty days, it shall be lawful for the Council to direct the

removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Providing that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds nor be less than five pounds; and in case of every successive offence the penalty on conviction not to be less than five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-law as aforesaid.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to obstructions by digging or excavation; and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer, shall on conviction forfeit and pay a penalty of not more than twenty pounds nor less than two pounds.

No balcony, &c.

14. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging, eaves, cornice, windows, string-course, dressing, or other architectural decoration forming part of, or attached to any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony, or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also that any person desiring to erect such structure shall first submit a plan for the approval of the Council.

Cellars or openings beneath the footways, &c.

15. Any person who shall make any cellar or opening, door or window in or beneath the surface of the footway of any street or public place, unless the plans thereof have been previously submitted to and approved by the Council, and the erections and openings made to the satisfaction of the Council, shall, on conviction, forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window, so as the same shall not exceed fifty pounds.

Holes to be enclosed.

16. Any person who shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole adjoining or near to any street or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations of any other building or house, or for any other purpose whatsoever; or shall erect or pull down any building, and shall not forthwith enclose the same, and keep the same enclosed in a good and sufficient manner, to the satisfaction of the surveyor or other officer or person as aforesaid, or shall keep up, or cause to be kept up and continued, any such enclosure for any time longer than shall be necessary, in the opinion of the surveyor or other officer or person as aforesaid, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning between sunset and sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining the footways to be enclosed under penalty.

17. Every owner or occupier of any house, building, premises, or land within the said Municipality having any entrance, area, garden, or other open space adjoining the foot-way or public place in such Municipality, or any quarry, excavation, or opening in the ground, or any premises within 6 feet of any such foot-way or public place, shall protect and guard the same by good and sufficient fences, rails, or other enclosures, so as to prevent danger to persons passing and re-passing; and any such owner or occupier of any house, building, premises, or land having any steps adjoining the foot-way of any such street or public place, shall, in like manner, protect and guard the same by fences, rails, or other enclosures, so as to prevent danger to persons passing and re-passing; and on failure thereof any such owner or occupier as often as he shall be convicted of such offence, shall forfeit and pay any sum not being less than forty shillings nor more than five pounds; and every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid within one month after any conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.

18. Every person who shall have a well situated between his or her dwelling-house, or the appurtenances thereof, and any road, street, or foot-way, or at the side thereof; or in any yard or place open or exposed to such road, street, or foot-way within the said Municipality, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the Council, or shall have been left for such person at his or her last known place of abode, or the said premises, shall, on conviction, forfeit and pay a sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Placing carriages, goods, &c., on footways, &c. Not removing when required. Re-placing the same when after removal. Not to prevent awning being erected in front of shops.

19. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board, (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed or cleansed any pipe, barrel, cask, or vessel, in or upon, or over any carriage or foot-way in any street or public place within the said Municipality, or shall set out, lay or place, or shall cause or procure, permit, or suffer to be set out, laid or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage, upon any such carriage-way, except for the necessary time of loading and unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage, or if any person shall set or place, or cause to be set, or placed, in or upon or over any such carriage or foot-way, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed), or any other matters or things whatsoever; or, shall hang out or expose, or shall cause, or permit to be hung out or exposed any meat or offal, or other thing or matter whatsoever, from any house, or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises, over or next unto any such street or public place, and shall not immediately remove all or any such matters or things, being there to required by the Inspector of Nuisances or other proper officers of the Council; or, if any person who having in pursuance of any such requisition as aforesaid removed or caused to be removed any such stall-board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheel-barrow, hand-barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon, or over any such carriage or footway, or next unto any such street, or public place as aforesaid; shall, upon conviction, for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings, nor less than five shillings; for the second offence a sum not exceeding five pounds, nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds, nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house, in such manner as that such awning shall be at least ten feet above the height of the foot-way, and that the posts be placed close to the curb-stone or outer edge of such foot-way, and a plan must be submitted to the Council prior to its erection.

Riding on drays, careless driving, &c.

20. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver or guided with reins only excepted); or, if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage or in such a situation, whilst it shall be passing upon such street, that he cannot have the direction and government of the horse or horses or cattle drawing the same; or, if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare; or, if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care upon such street, or by negligence or misbehaviour, prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same; every driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings.

Riding or driving furiously, &c.

21. Any person who shall ride or drive through or upon any street or public place within the said Municipality so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Swine, &c., not to wander about the streets.

22. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within fifty yards of any street or public place within the Municipality, or shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of the like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place, within the said Municipality, shall forfeit and pay for every such offence a sum not exceeding forty shillings, and be made liable for damages.

23. Every person driving any vehicle within the Borough between sunset and sunrise shall carry a light on such vehicle in a conspicuous place. Any one offending against this By-law shall be liable to a penalty not exceeding one pound.

24. No person shall be allowed to remove loam, sand, gravel, or other material from any reserve or other lands of the Municipality without authority in writing of the Council or their duly authorised officer, under a penalty not exceeding two pounds. Any person offending against this By-law shall be liable to a penalty not less than one pound nor more than forty shillings. The driver of any vehicle shall, for the purpose of the By-law, be held and taken to be the owner thereof until the contrary be shown.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

25. Any person who shall be desirous of blasting any rock within one hundred yards of any street or public place or dwelling house in the said Municipality, shall give notice in writing, twenty-four hours previously, to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall, on conviction, forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

26. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

27. Any person who shall damage any public building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice, bridge, culvert, sewer, watercourse, or other public property, within the said Municipality, shall pay the costs of repairing the same, and if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

28. If any person or persons shall paste or cause to be pasted, or otherwise affix any placard or other paper or chalk or paint upon any wall, house, fence, culvert, kerbstone, pathway, handrail, or other property of the Council, or in any other manner deface the same without authority of the Council, he or they shall be liable to forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

29. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways.

30. That the owner or occupier of any land situate on the side of any street or road in this Municipality who shall permit any tree, shrub, or plant kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, so as to obstruct the passage thereof, and who, on demand made by the Council, or their overseer or inspector, shall not cut or cause to be cut, lopped or cause to be lopped, all such trees, shrubs or plants, to the height of eight feet at the least, the said Council, and their servants, labourers, and workmen may cut, or cause to be cut or lopped all such overhanging trees, plants and shrubs and to remove or burn any portion of such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person

or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen, in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every person so offending shall, on conviction for every such offence, forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c.

31. Any person who shall injure any public fountain, pump, cock, waterpipe, or any other thing connected with the preservation or supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding twenty pounds, nor less than one pound; and any person who shall bathe and wash himself, or shall wash any clothes or other article at or in any river, reservoir, channel, fountain, or basin provided for public use, or who shall in any other way foul the water preserved or used for the purpose aforesaid, shall forfeit and pay any sum not exceeding one pound nor less than five shillings.

Obstructions.

Dead animals, &c., not to be thrown into any public places, reserves, watercourses.

32. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, or canal, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, filth of any kind whatever to flow into any public watercourse, waterhole, river, creek, or canal, or shall obstruct or divert from its channel any sewer or watercourse, river, creek, or canal, shall forfeit any sum not exceeding five pounds.

Hog-styes and nuisances not removed on notice, &c.

33. In case any privy, hog-sty, any sink, cesspool, yard, enclosure, or any matter or thing which shall at any time be in any place within the said Municipality, shall be or become a nuisance, it shall be lawful for the Council, or for the Inspector of Nuisances or other officer of the Council, after due investigation, by notice in writing, to order the removal of the said nuisance within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance is situated, or shall have been left for such owner or occupier at his or her last or usual place of abode, or on the said premises; and every such owner or occupier refusing or neglecting to remove or abate such nuisance, pursuant to such notice, and to the satisfaction of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than twenty shillings.

Allowing dead animals to remain on premises.

34. Any owner or occupier of any land or premises who shall suffer or permit any dead animal, blood, offal, night-soil, or any other offensive matter, to remain upon the said land or premises after notice shall have been given by the Inspector of Nuisances to remove the same, shall be subject to a penalty of not exceeding two pounds, nor less than ten shillings for every day that the same shall so remain.

Cattle, &c., not allowed to go about the streets, &c.

35. It shall not be lawful for any person whomsoever to suffer any kind of cattle, horse, ass, mule, sheep, swine, or goats belonging to him, or under his or her charge, to depasture, stray or go about, or to be tethered or depastured in any street, road, or public place within the said Municipality; and any person who shall so offend shall forfeit and pay in respect to every such offence any sum not exceeding two pounds nor less than five shillings.

As to private avenues, &c.

36. Any owner or occupier of any house or place within the said Municipality who shall neglect to keep clean any private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Cleansing butchers' shambles, slaughter-houses, &c.

37. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fell-mongering establishments in the said Municipality, and to give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Inspection of premises.

38. Upon the reasonable complaint in writing, of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make any inspection of the premises complained of; and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises at a reasonable hour during the daytime for the aforesaid purpose.

Various obstructions and annoyances.

39. Every person who in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds:—

Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass, or any part of the carcass of any newly-slaughtered animal without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butchers' meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired).

Every blacksmith, whitesmith, anchormith, nailmaker, metal-founder, limeburner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, and placing a screen before the same every evening, within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.

Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way or use of any private yard alley, street, or any other place within the said Municipality.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

40. If upon the certificate of any two duly qualified medical practitioners, it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same as the case may require: and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Definition of "Noisome and Offensive Trades."

41. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of, or in connection therewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, or effluvia, or any large quantities of smoke, shall be evolved or discharged, which gas, vapour, effluvia, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint—Inquiry and Report—Order of Council thereon—Notice to discontinue, &c.—Penalty.

42. Upon the complaint in writing of any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint and shall report thereon to the said Council; and if the said Council shall on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome or offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade, to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome or offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality; and if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence, a sum not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence, a sum not less than ten pounds nor more than fifty pounds.

Mode of proceeding when "Noisome or Offensive Trade" is about to be commenced.—Penalty.

43. The like proceeding shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation, is about to be commenced or entered upon which is likely to prove "noisome or offensive" within the meaning of these By-laws, save and except that the notice to be given as aforesaid shall be given to the person or persons about to enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or take such measures as shall effectually prevent the same from becoming "noisome and offensive" within the meaning of these By-laws to any resident within the Municipality; and any person who shall in such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall in any way be "noisome and offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

Service of notices.—Liabilities.

44. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such owner or occupier, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws; and every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling or operation, within the meaning and for all the purposes of these By-laws.

Miscellaneous.

Exhibitions, &c., to be licensed.

1. No exhibition other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14 Victoria, No. 23, or exhibitions of a temporary character specially provided for, shall be held or kept for hire or profit within the said Municipality; nor shall any bowling alley, skittle alley, dancing saloon, or other place of public amusement other than a place licensed as aforesaid, or a place for temporary amusement, be used as such for hire and profit within the said Municipality, unless and until permission in writing be granted by the Mayor; or, in his absence, by any two Aldermen.

No Exhibition, &c., on Sundays, &c.

2. No such exhibition or place of public amusement as aforesaid shall be held or kept open, or used for the purpose of such public amusements, on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf, shall, on conviction, forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Wilful trespass.

3. Every person who shall wilfully let in or knowingly suffer to enter upon the reserves of public recreation ground any animals, without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

4. Any person pulling down, destroying, defacing, or injuring any marks, or any fence or other erection thereon, without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Erection of houses, &c.

5. No person shall be permitted to erect any house, shop, or other building, in any street, lane, or place, in the Municipality, without first serving notice, in writing, on the Mayor or Council Clerk, on any lawful day between the hours of 9 a.m. and 4 o'clock p.m., stating such intention, and describing the proposed situation of the building or erection, and without having received an authority from the Mayor or Council Clerk, who will give the required level and alignment, if in a proclaimed street, on a payment of five shillings. No person shall be at liberty to encroach beyond the building-line in any street or lane, by the erection of houses, verandahs, door-steps, fences, or any other obstruction whatever.

Houses, &c., to be spouted.

6. All proprietors of houses within the Municipality having a frontage to any main thoroughfare shall be bound to have the same sufficiently spouted with down pipe, to be carried under the level of the footpath into the gutter, under a penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty also for every succeeding seven days.

Using bark for building in the main thoroughfares.

7. All persons are prohibited from erecting buildings any portion of which shall be constructed of bark, palings, or other dangerously inflammable material; and any person or persons erecting such buildings shall forfeit, on conviction of every such offence, a penalty of not more than twenty pounds.

8. Any person who shall convey or carry, or cause to be conveyed or carried, along any street or thoroughfare within the Municipality, the carcass, or any portion thereof, of a slaughtered animal, or of an animal which has apparently been slaughtered, without a sufficient cloth or other covering to conceal the same from public view, shall be liable, upon conviction, to a penalty not exceeding two pounds for every such offence.

9. No person shall obstruct any road, street, pathway, or public thoroughfare, by building material, drays, carts, or anything calculated to prevent a free passage to persons using the said passages, nor leave waterholes, excavations, or cellars, or dangerous openings of any kind whatever, whereby the public safety shall or may be endangered, without sufficient fencing or other means of security against risk to individuals, nor allow any obstruction necessarily created to remain without providing lights thereat, to prevent accidents, between sunset and sunrise, under a penalty not exceeding five pounds.

10. Any person or persons riding or driving into or out of any yard or alley abutting on any street or road within the Municipality shall so do at a walking pace, and any one offending against this By-law shall, on conviction, be liable to a penalty of not less than five shillings nor more than two pounds.

11. Any person wantonly or maliciously breaking or injuring any lamp post, or street name plate, or extinguishing any light set up for public convenience, or damaging any corporation property whatsoever, shall be liable to a penalty of not less than twenty shillings, nor more than five pounds, to be recovered in a summary way before two Justices in Petty Sessions.

12. Every person guilty of a breach of any of the provisions of the foregoing By-laws, shall be liable for every such offence, when not otherwise expressly provided for, to a fine or penalty not exceeding twenty pounds nor less than ten shillings.

Passed by the Municipal Council of the Borough of Lithgow, this eleventh day of November, in the year of our Lord one thousand eight hundred and eighty-nine.

(t.s.) GEORGE DONALD,
Mayor.

J. F. FLOOD,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF WINGHAM.—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 15th March, 1890.

MUNICIPAL DISTRICT OF WINGHAM.—BY-LAWS.

THE following By-Laws, made by the Council of the Municipal District of Wingham, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

SECTION I.

By-laws for the Municipal District of Wingham, 1889.

BY-LAWS made and passed by the Municipal Council of Wingham, for regulating the proceedings of the Council in the duties of their office and servants; for compelling residents to keep their premises clean; and, generally, for the proper government of the Municipal District, in accordance with the requirements of the Municipalities Act of 1867.

1. The ordinary sittings of the Council shall be on the second and fourth Tuesday in every month, at the hour of 7 p.m., unless such day shall be a public holiday; in that case the meeting shall be held on such other day as the Mayor shall appoint.

2. If the Mayor shall be absent at the expiration of fifteen minutes after the time appointed for the holding of any meeting, the Aldermen present shall choose a Chairman, provided always that if the Mayor shall afterwards attend, such Alderman shall leave the chair, to be taken by the Mayor.

3. Whenever any meeting shall lapse or be adjourned for want of a quorum, the names of the members present shall be recorded by the Council Clerk.

4. The business of such ordinary meeting shall be transacted in the following manner, viz.:—

- (1.) Reading and confirming minutes of previous meeting or meetings.
- (2.) Petitions (if any) to be presented and dealt with.
- (3.) Correspondence to be read and dealt with.
- (4.) Reports from Committees and minutes from the Mayor (if any) to be presented, and orders made thereon.
- (5.) Payments.
- (6.) Questions as to any matter under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of the Committee or Officers, to be made.

* Business at special meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at any ordinary meeting, shall be taken in such order as the Mayor or Alderman at whose instance the special meeting shall be called may have directed; and no other than the special business for which the meeting has been convened shall be entertained.

Powers to suspend By-laws.

6. The Council shall have power to suspend, *pro tem.* one or more of the By-laws, provided that no suspension shall be allowed for the purpose of voting money, and that two-thirds of the members present consent.

Postponement of debate on motion.

7. Any debate or order of the day when called on may be postponed to another time, to be duly specified: Provided that no discussion shall be allowed upon such motion for adjournment, and the Alderman upon whose motion any debate shall be adjourned shall be entitled to open the debate on resumption.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of.

8. All notices of motions, &c., for consideration at general meetings shall be delivered to the Council Clerk, at least four days before such meeting, in writing, and shall be numbered by him as they are received, and entered on the business paper according to their number, and each notice shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of: Provided, however, that the person giving or forwarding any such notice of motion, &c., shall be at liberty to withdraw the same at any time before the making up of the business paper.

Motions to be in writing and seconded.

9. All resolutions proposed, and all amendments shall be submitted in writing, and no motion or amendment shall be discussed unless and until it be seconded.

Motions not to be withdrawn.

10. No motion, of which notice has been given, shall be withdrawn if any Alderman objects, and if any Alderman who has given notice of motion fails or declines to move it, the Mayor or any other Alderman may move the same.

Questions may be put.

11. No questions shall be put to the Mayor when in Council requiring the production of papers, or which cannot be replied to without reference to books or papers, unless twenty-four hours notice in writing shall have been given thereof to the Council Clerk.

Amendments may be moved.

12. When a motion shall have been moved and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed until it be seconded.

Only one amendment at a time.

13. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of; if any amendment be carried, the amendment shall become the question before the Council, whereon any further amendment may be moved.

Motions for adjournment.

14. Any motion for adjournment, if seconded, shall be put immediately without discussion. If such motion be negatived, the business then under consideration or next in order on the business paper shall be discussed before any notice for adjournment may be moved.

Any Alderman may divide Council.

15. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in Committee of the whole Council; and no Alderman shall leave his seat or place till the name of the Alderman, and how voting, shall have been taken by the Council Clerk or person officiating for him. All divisions of the Council shall be entered on the minutes of the proceedings. Any Alderman who shall be present when a division is so called for, and shall not vote on such division (not being disabled by law from so voting), shall be liable for every such offence to a penalty of not less than five shillings or more than two pounds.

Motions that would rescind.

16. No motion, the effect of which if carried would be to rescind any resolution passed by the Council during the current Municipal year, shall be entertained, unless at a special meeting of the Council called for that purpose; and no such motion, if negatived by the Council at such special meeting, shall be again entertained during the same Municipal year.

No Alderman to speak twice on the same question or amendment, except in Committee.

17. No Alderman shall speak twice on the same question unless in Committee, or in explanation where he shall have been misrepresented or misunderstood, and then only by leave of the Mayor or Chairman: Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

Alderman to stand when speaking, &c.

18. Every Alderman shall stand while speaking, and shall address the Chair, and all members of the Council shall on all occasions when in such Council address and speak of each other by their official designation, as Mayor, Chairman, or Alderman, as the case may be; and no Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order.

Privilege of Mayor or Chairman.

19. The Mayor or Chairman shall have the same privilege as any other Alderman in making or seconding a motion, and have the right of speaking on any subject or amendment introduced. The Mayor or Chairman shall rise when so speaking, but shall be considered as still presiding.

Offensive personal statements.

20. No Alderman shall make offensive personal reflections upon or impute discreditable motives to any other Alderman. Any Alderman so offending shall immediately, upon being thereto requested by the Mayor or Presiding Alderman, withdraw the offensive expressions and retract any such imputation of motive, and make an apology satisfactory to the Council. Any Alderman declining so to apologize and to withdraw the offensive expressions or to retract the imputations of motive, shall be liable on conviction to a fine or penalty of not less than one pound nor more than five pounds for the first offence, and on the second conviction for a like offence he shall be liable to a fine or penalty of not less than two pounds. Any Alderman may move without notice that the offensive words be taken down, and when this has been done, it shall be *prima facie* evidence of such words having been used.

Committee of the Council.

21. The rules of the Council shall be observed in Committee of the whole, except the rule as to standing and that limiting the number of times of speaking. It shall be competent for any Alderman to move that any subject matter, motion, or order of the day be considered in Committee; and should the Council so decide that such business be considered in Committee, the Council, as may thereupon be decided, may go into Committee or otherwise.

Points of order.

22. Any Alderman may at any time call the attention of the Mayor or Chairman to any Alderman being out of order, and every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive.

Speaking.

23. Any Alderman who has moved any motion or amendment shall be considered to have spoken thereon, but no Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same shall be at liberty to speak on such motion or amendment.

Petitions.

24. Any Alderman presenting a petition shall satisfy himself that the wording thereof is respectful and in order. All petitions shall be received only as the petitions of the persons signing the same; and no debate shall take place upon the presentation of a petition until notice has been given in the usual manner.

Committees.

25. There shall be three standing Committees—the Finance, Improvement of Works, and By-laws Committees, and each such Committee shall consist of three Aldermen, and may be called together at any time by direction of any one member of such Committee.

Reports from Committees.

26. All reports upon standing committees to be presented in writing and signed by the Chairman or any two members of such committee. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction by a minute in writing.

Tenders for works.

27. Tenders to be called for all work estimated to exceed £10 (ten pounds) in value and if the tender is considered excessive, the Council may have the work done by day labour.

28. The Mayor, or in his absence any two Aldermen of Works Committee, may order any sum not exceeding ten pounds to be expended in repairing any public work under the control of the Council which may be suddenly damaged, and such order shall be reported at the next meeting of Council.

Payment how made.

29. No money shall be paid by the Council until the account for the same shall have been examined by the Finance Committee and approved of by the Council.

Common seal, &c.

30. All charters, deeds, muniments, and records of the Municipal District of Wingham shall be kept in the office thereof in the custody of the Council Clerk, unless the Council shall otherwise order. All papers, deeds, contracts, and agreements requiring to be sealed with the common seal shall be witnessed by the Mayor and the Council Clerk. For the purpose of authenticating documents, the common seal may be attached thereto, witnessed by the Mayor and Council Clerk, for which a fee of five shillings shall be paid.

Rates to be paid.

31. The rates of the Municipality shall be collected half-yearly, and shall be due and payable on such days as the Council shall determine at the time of making the assessment, or in such other day as the Council may direct. All persons liable to pay rates or assessments shall pay the same to the Council Clerk, or such other officer as may be appointed for that purpose, at the Municipal Council Chambers during office hours, on such days as may from time to time be appointed by the Council.

Duties of the Council Clerk.

32. The Council Clerk, in compliance with the Municipalities Act of 1867, or by the present or any other By-laws made thereunder, shall perform the following duties, namely:—

- (1.) Attend all Council meetings.
- (2.) Attend all Committee meetings.
- (3.) Attend all Courts of Revision and Appeal.
- (4.) Attend the members of the Council to all Council or Committee meetings.
- (5.) Take notes of all meetings and prepare reports of all Committees.

- (6.) Conduct all correspondence ordered by the Council, under the direction of the Mayor, and give all other officers instructions as directed by the minutes.
- (7.) To see that the accounts are audited and the balance-sheet duly submitted twice a year, within the times specified by law.
- (8.) To see to the gazetting of all By-laws and necessary advertisements.
- (9.) To see that the Assessment Books and the Municipal lists and rolls are duly prepared, and made out and exhibited at the Council Chambers.
- (10.) Make all necessary arrangements for the elections, preparing all papers, &c., for presiding officers and poll clerks.
- (11.) Prepare all bonds of officers, see that the guarantees are given and arrangements duly signed, &c., and reports sent to the Council.
- (12.) Advise with the officers from time to time as to their duties and the mode of carrying them out.
- (13.) See that all levels and names of streets have been duly advertised as provided for by law, and authenticated by the Mayor's signature.
- (14.) To keep a copy of all correspondence.
- (15.) To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
- (16.) He shall likewise have charge of all the records of the Council, except such books or documents as may be intrusted to any other officer of the Council, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council.
- (17.) He shall enter into a bond for not less than double the amount of his salary for the faithful discharge of his duties.

SECTION II.

Determining the time and modes of collecting and enforcing payment of the rates, either current or in arrears.

rates—Levying rates—Collecting of rates.

1. All rates levied or imposed by the Council under sections 164, 165, 166, 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution at the time of making or imposing such rates on any of them, have appointed. All such rates shall be paid at the Council Chambers at the hours appointed by the Council for that purpose.

Rate Collector to furnish list of defaulters.

2. Any person not paying his or her rates at the time appointed shall be deemed a defaulter, and it shall be the duty of the Rate Collector to furnish to the Mayor and Council, or any Committee as directed, with lists of all persons so in default. In the event of any premises being wholly or partially destroyed by fire, the Council shall have power to accept any equitable proportion of the assessed rates for the remainder of the Municipal year.

Bailiff.

3. The Bailiff shall be appointed by a resolution of the said Council, and shall be at any time removable by a like resolution.

Bailiff's sureties.

4. The Bailiff shall find two sureties to the satisfaction of the Mayor to the extent of twenty-five pounds each for the faithful discharge of his duties.

Duty of the Bailiff.

5. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

6. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

7. If the sum for which any such distress shall have been made shall not be paid, with costs as hereafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at some other place within the Municipal District of Wingham, as the Bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any), that may remain after deducting the amount of the sum distrained for and costs as hereinafter provided, to the owner of the goods so sold on demand of such surplus by such owner.

Inventories.

8. At the time of making a distress, the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident of the place where the distress shall be made; and in case there shall be no person at such place with which such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after making such distress.

Goods may be impounded.

9. The Bailiff making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained of what nature or kind soever in such place or places, or in such part of the land or premises chargeable with rates as will be most fit and convenient for this purpose, and it shall be lawful for any person whomsoever, after the expiration of five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

10. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

11. The Bailiff shall hand over to the Council Clerk, all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

12. There shall be payable to the Bailiff, for the use of the Council, for every levy and distress made under this by-law the cost and charges in the Schedule hereto affixed marked C.

SCHEDULE A.

I, _____, Mayor of the Municipal District of Wingham, do hereby authorize you, _____, Bailiff of the said Municipal District of Wingham, to distrain the goods and chattels in the dwelling-house, or in or upon the land and premises of _____, situate at _____, for the sum of £ _____ being the amount of Municipal rates due to the said Municipal District of Wingham to the _____ day of _____ for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.

Dated this day of _____, 18 _____

Mayor.

SCHEDULE B.

Inventory.

I HAVE this day, in virtue of a warrant under the hand and seal of the Mayor of the Municipal District of Wingham, dated _____, distrained the following goods and chattels in the dwelling-house or in and upon the land and premises of _____, situate at _____, within the said Municipal District of Wingham, for the sum of £ _____, being the amount of rates due to the said Municipal District of Wingham to the _____ day of _____, 18 _____.

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	6
For serving every warrant and making levy	2	6
For making and furnishing copy of inventory	2	0
For man in possession each day or part of a day	6	0
For sale, commission, and delivery of goods per pound sterling on proceeds of sale	1	0

SECTION III.

Streets, and Public Places, &c.

New roads to be reported upon, &c.

1. No new public roads, street, way, park, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by the Committee for Works, and reported upon to the Council by such Committee.

Plans of proposed new roads, and to be deposited.

2. Whenever any proprietor or proprietors of land within the said Municipal District of Wingham shall open any road, street, or way, or lay out any park or other place for public use or recreation thereon or upon such land, or shall be desirous that the Council shall undertake the care and manage-

ment of such road, street, way, park, or other place, be or they shall furnish the Council with the plan or plans signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council, and the proprietor or proprietors shall execute such further instrument dedicating such road, way, reserve, or other place to public use or recreation as aforesaid, as may be considered necessary by the Council, and such further instrument of dedication shall also be preserved as a record of the Council, but the Council shall not be compelled to take charge of or spend moneys on, or vote money for any new street, road, lane, or thoroughfare that is not forty feet wide including pathway, and unless such street, road, lane, or thoroughfare, or other place is first proclaimed, and properly formed, and completed to the satisfaction of the Council at the expense of the owner or owners of the land through which such road, street, lane, thoroughfare, or other place is carried.

Roads and streets and encroachments thereon.

3. The Surveyor of the Municipal District of Wingham, Clerk of Works, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out levels of all public roads, streets, and thoroughfares, and the carriage and foot way thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Surveyor, Clerk of Works, or officer to place posts at the corners or intersections of such streets, roads, lanes, and thoroughfares wherever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the foot-way on each side where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion and in the discretion of the Council in any such street, road, lane, or thoroughfare, or other public place of other width than 66 feet; provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereafter stated: Provided further that this By-law shall be read subject in all respects to "The width of Streets and Lanes Act of 1881."

Change of street levels.

4. Whenever it may be deemed necessary to alter the levels of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed alteration to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipal District that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Foot-paths may be levelled.

5. When any foot-way shall have been marked out in manner hereinbefore directed, the Surveyor, or such officer or person so authorized hereinbefore mentioned, may cause the same to be levelled and made so nearly as practicable of equal height and breadth, and with an equal slope and inclination; and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said foot-way, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said foot-ways.

Temporary stoppage of traffic for repairs, &c.

6. The Mayor may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose, and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay the penalty of any sum not exceeding five pounds for every such offence.

No encroachment allowed on streets, &c.

7. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure shall, except as hereafter mentioned, be allowed to project or encroach on any part thereof; and it shall not be lawful for any person to erect or put up any building, erection, obstruction, fence, or enclosure, or make any excavation, hole, or opening in, under, upon, or near to any such road, street, lane, or thoroughfare, unless the consent of the Council or

Mayor has been obtained to the erection or making of any such building, erection, obstruction, fence or enclosure, excavation, hole, or opening, as aforesaid; and every person offending against this By-law shall forfeit and pay for the first offence a sum not exceeding five pounds, and for the second and every subsequent offence a sum not exceeding ten pounds.

Obstructing public footways.

8. If the owner or occupier of any land situated on the side of any street or road in the Municipal District of Wingham shall permit any tree, shrub, or plant to the height of 8 feet, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and, on demand made by the Council, shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut and lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs, so cut or lopped, without being deemed a trespasser or trespassers; and the Council shall charge the owners all expenses of such removal; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction of every such offence forfeit and pay a sum not exceeding ten pounds.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window forming part of or attached to any external wall to project beyond the building line of any street or road, except with the consent of the Council first obtained, nor shall any balcony or any external projection as aforesaid which may hereafter be added to any existing building be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council, such structure not to be less than 9 feet in height.

Encroachments must be removed on notice.

10. The Surveyor, or other such officer or person may, at any time, on the order of the Council and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroachment structure belongs, or who has erected the same, or caused it to be erected.

The Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within thirty days, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its own proper officer, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for breach of By-law, penalty not to exceed twenty five pounds nor to be less than two pounds, and in every case of every successive offence the penalty on conviction not to be less than five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed, unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the cost thereof above ten pounds from the funds of the Council, or to proceed by action by trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-law as aforesaid.

To apply also to obstruction by digging, &c.

13. The foregoing provisions shall be equally applicable to obstruction by digging or excavating; and any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or any person acting for or under him, or either of him, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer shall on conviction forfeit and pay a penalty of not more than ten pounds nor less than one pound.

Hoads or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Municipal District of Wingham, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, obtain permission of the Council, and cause

sufficient hoards or fences to be put up in order to separate the building where such works are being carried on, from the street, with a convenient platform and hand-rail, or upon the public street or road within a distance of less than ten and not more than fifteen feet from the building line thereof, if there be room enough to leave a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and hand-rail as aforesaid, standing in good condition to the satisfaction of the officer of the Council of the said Municipal District of Wingham during such time as the public safety or convenience requires, and shall in all cases in which it is necessary in order to prevent accidents, cause the same to be sufficiently lighted during the night, and every such person who shall fail to put up such fence or hoard or platform with such hand-rail as aforesaid, or to continue the same respectively standing in good condition as aforesaid during the same period of such building or taking down, or who shall not while the said hoard or fence is standing, keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Municipal District of Wingham within a reasonable time afterwards shall for every such offence be liable to a penalty not exceeding two pounds for every day such default is continued.

SECTION IV.

Offences—Nuisances—General good order of the Municipal District of Wingham.

Injuring or extinguishing lamps.

1. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipal District of Wingham, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum not more than one pound nor less than five shillings.

Trees and enclosures.

2. The Council shall have power to plant trees on the public streets and ways of the said Municipal District of Wingham, and any person who shall wilfully or without the authority of the Council cut, bark, or root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street or place under the management of the Council, or in or upon any public reserve or park, shall forfeit a sum of not exceeding ten pounds.

Extirpation of noxious weeds.

3. Any owner or occupier of land within the Municipal District of Wingham who shall permit to grow or remain on the said land or upon the public streets or roads within a distance of twelve feet from the boundary line thereof any of the weeds known as "Bathurst burr," "Scotch thistle," "prickly pear," "sweet briar," "cockspur," or any other noxious weed, or who shall fail to extirpate or destroy the same within thirty days, after the receipt of notice in writing by post or otherwise, from the Council or proper officer of the Council to do so, shall for every such offence forfeit and pay the sum not exceeding five pounds.

Throwing dead animals into any water-course, &c.

4. Any person who shall throw or cast any filth, rubbish, saw-dust, or any other matter which shall be adjudged by the Council to be a nuisance, or any dead animal, or any animal, with intent to drown the same, into any water-hole, water-course, creek, or canal, or who shall permit or suffer slops, suds, night-soil, sewage matter, or filth to flow from his or her premises over any of the footways or streets of the Municipal District of Wingham, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, night-soil, sewerage matter, slops, suds, or filth of any kind whatsoever to flow or to be cast in any water-course, water-hole, creek, or canal, or shall obstruct or divert from its channel any sewer or water-course, creek, or canal, shall forfeit any sum not exceeding five pounds, nor less than one pound, and shall in addition to any such forfeiture pay the cost of removing such filth or obstruction, or of restoring such water-course or canal into its proper channel.

Throwing filth on roadway, &c.

5. If any person shall, in any street, road, lane, or public place, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any bottle-glass, ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any of the said streets or roads, as that any blood or filth shall run or flow upon or over or be on any carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any footway any waggon, cart, dray, sledge, or other carriage, any wheelbarrow or truck, or any pack, or shall wilfully lead, drive, or ride any horse or other

beast upon any footway aforesaid, shall forfeit and pay a sum not exceeding five pounds. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipal District of Wingham without permission first obtained from the Municipal Council of Wingham and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Placing goods, &c., on roadway, &c.

6. If any person shall set or place, or cause or permit to be set or placed, any stall, showboard, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed, any cask or vessel in or upon or over any road, footway, or public place within the said Municipal District of Wingham, or shall set out, lay, or place, or shall cause, or procure, permit, or suffer to be set out, laid, or placed any coach, cart, dray, barrow, truck, or other carriage upon any footway, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or footways any stone, timber, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed, as hereinbefore directed), or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or any thing or matter whatsoever, from any house or premises over any part of such footways or carriage-ways, or over any area of any house or premises, or any other matter or thing from, and on, the outside of any part of any house or premises over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed or cause to be removed any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, or offal, or other matter or things, and shall at any time thereafter again set or lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same or any of them, or any other article or thing whatsoever (save and except as aforesaid), in, upon, or over any of the carriage or foot ways of or next into any streets or roads as aforesaid, in every such case every person so offending shall forfeit a sum not exceeding two pounds.

Drawing or trailing timber, &c.

7. If any person shall haul or draw, or cause to be hauled or drawn, upon any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing that shall be carried principally or in part upon wheeled carriages to drag or trail on any part of such carriage-way so as to occupy or obstruct the street or road beyond the breadth of such carriage, every such person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds over and above the damages occasioned thereby: Provided that such penalty and damages shall not together exceed the sum of five pounds nor be less than one pound.

No turf, gravel, &c., to be removed from streets without leave.

8. Any person who, from any part of the road, street, thoroughfare, reserves, or other lands, or public places, shall remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other materials without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, reserves, or other lands or public places, or who shall wantonly break up or otherwise damage a part of the said lands, streets, thoroughfares, reserves, or other lands or public places, shall, on conviction, pay for every such offence any sum not exceeding five pounds nor less than five shillings, and for every subsequent offence shall forfeit and pay a sum of not less than one pound.

The driver of any vehicle shall, for the purpose of this By-law, be held and taken to be owner thereof until the contrary be shown.

No driver to ride on vehicle without a person to guide his beast (vehicle with reins excepted), or to go a distance from his vehicle, or drive on the wrong side, &c.

9. If the driver of any cart, waggon, dray, or vehicle of any kind shall ride upon the same in any street, road, or thoroughfare, not having some person on foot to guide the animals drawing the same (such vehicles as are drawn by horses, driven or guided with reins, only excepted); or if the driver of any carriage or vehicle whatsoever shall wilfully be at some distance from such carriage or vehicle, or in such a situation whilst it shall be passing upon any such street, road, or thoroughfare, that he cannot have the direction or government of the horse or horses, or cattle, drawing the same; or if the driver of any waggon, cart, dray, coach, carriage, or other vehicle, shall not drive on the left or near side of such road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any vehicle under his or her care, upon such road, street, or

thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person or vehicle or carriage in or upon the same: Every such driver or person so offending shall forfeit and pay for every such offence the sum not exceeding two pounds.

Name and place of abode, &c.

10. The owner of every such waggon, cart, dray, or vehicle of any kind plying for hire who shall allow the same to be driven through the Municipal District of Wingham, without having his name and place of abode painted on the off-side legibly, the driver or person in charge of any such waggon, cart, or dray as aforesaid, who shall refuse to give his and the owner's name and address shall forfeit and pay for every such offence the sum not exceeding one pound.

Lights on vehicles.

11. Every person whilst driving, leading, or riding upon any cart, carriage, van, buggy, or other vehicle whatsoever, drawn by any horse, ass, mule, or other animal, through any part of the Municipal District of Wingham, between the hours of sunset and sunrise, shall carry a lighted lamp affixed in a conspicuous place on the off-side of such cart, van, waggon, buggy, or other vehicle, under a penalty of five shillings for the first offence, and for every subsequent offence not less than ten shillings nor more than two pounds.

As to riding or driving improperly through streets, &c.

12. Any person who shall ride or drive through any road, street, or public place, negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Riding or driving around corners, &c.

13. Any person who shall ride or drive round the corner of any street, road, or any public place within the Municipal District of Wingham, at a pace faster than a walk, shall, on conviction, forfeit and pay a sum not exceeding two pounds nor less than five shillings for every such offence.

Erection of houses, &c.—Fee for permission.

14. No person shall be permitted to erect any house, shop, or any other building in any street, lane, or place within the Municipal District of Wingham, without having first served notice in writing to the Mayor or Council Clerk before commencing the same, stating his intention and describing the proposed situation of the building or erection, and shall at the time the said notice is given as aforesaid pay to the Council Clerk a fee of five shillings for permission to erect any such house, shop, or building in any street, lane, or other place within the said Municipal District of Wingham, and every owner thereof, and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon, without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than five shillings.

Affixing placards on the walls and chalking thereon.

15. It shall not be lawful for any person to paste, affix, damage, deface, or destroy any placard or other paper upon any wall, fence, house, or building, or to deface any such wall, fence, house, or building by chalk, or paint, or in any other manner, unless with the consent of the owner thereof; and any person who shall be guilty of any such offence, shall forfeit and pay the sum not exceeding ten shillings. It shall not be lawful for any person (other than the person affixing the same, or the owner of the premises to which such may be affixed) to wantonly deface or destroy any placard not out of date which may have been lawfully affixed to any such wall, fence, or house; and any person guilty of such offence shall forfeit and pay a sum not exceeding ten shillings.

Restriction on certain trades.

16. It shall not be lawful for the business of a soap-boiler, tallow-melter, tanner, currier, pig-keeper, or any occupation, trade, or manufacture of any obnoxious or unwholesome nature prejudicial to the health of, or otherwise offensive to any of the inhabitants thereof, to be commenced or established within the limits of that portion of the Municipal District of Wingham, to be defined from time to time by resolution of this Council, without consent of the Council first had and obtained, and whosoever shall offend against this By-law shall forfeit and pay on conviction a penalty not exceeding five pounds nor less than one pound, and a further sum of ten shillings for each and every day during which he continues to offend.

Discharging fire-arms, &c.

17. Any person who shall discharge any fire-arms without lawful cause, or let off any fire-works or other explosive matter within forty yards of any road, street, or public place, shall forfeit and pay a sum not exceeding five pounds.

Entrances to cellars, &c., to be covered, &c.

18. If the owner or occupier of any premises having any rails or bars over the areas or openings to any kitchen or cellar, or other part of the said premises, beneath the surface of the footway or any street or public places, or having any doorway or entrance into the basement or cellar story thereof, shall not either keep the same, or the rails of such kitchen, cellars, or other parts, in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or if any such owner or occupier shall leave open, or not sufficiently nor substantially keep covered and secured, any coal or other hole, funnel, trap-door, or cellar flap, belonging to or connected with his premises, save and except only during reasonable time for use, alteration, or repairs; or if such owner or occupier shall not repair and from time to time keep in good order and substantial repair all and every or any such rails, guard-rails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do shall, for every such offence, forfeit and pay the sum not exceeding five pounds.

Cellars or openings beneath footways prohibited.

19. It shall not be lawful for any person to make any cellar, or any opening, door, or window, on or beneath the surface of the footway of any road, street, or public place, within the said Municipal District of Wingham, except by permission of the Council, and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices: Provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered over, &c.

20. Every person who shall have a well situated between his dwelling-house or the appurtenances thereof, and any public place, road, street, or footway within the limits of the said Municipal District of Wingham, or at the side of such public place, road, street, or footway, or in any yard or place opened out to such public places, road, or footway, shall cause such well to be securely and permanently covered over; and if any person having such a well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any authorised officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises, in the manner and with such materials as the Council or its officer shall direct, and to their satisfaction, such person shall forfeit and pay a sum not exceeding ten shillings every day that such well shall remain open or uncovered contrary to the provisions thereof: Provided that with respect to wells open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week thereafter.

Notices not to be painted on pavements.

21. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any footway or kerbstone within the Municipal District of Wingham, shall be liable to a penalty not exceeding two pounds.

Offensive or indecent placards.

22. Any person who shall, in any street or public place within the Municipal District of Wingham, post, write, expose to view, or distribute any placard, handbill, or other document whatever, of any offensive or indecent character, shall be liable to a penalty not exceeding ten pounds.

Musicians to move on.

23. Any street musician or vocalist, who shall not, when requested by any householder within the Municipal District of Wingham, or his servant, or by any officer or servant of the Council of the Municipal District of Wingham aforesaid, or by any police officer, depart from the neighbourhood of the premises of such householder, shall be liable to a penalty not exceeding two pounds.

Persons not to stand or loiter in the streets.

24. All persons standing or loitering upon any of the carriage-ways, foot-ways, or other public places in the Municipal District of Wingham, to the inconvenience of passers-by, or in any way interrupting the traffic, who shall not discontinue to do so on being requested by any authorised officer or servant of the Council of the said Municipal District of Wingham, or by any police officer, shall be liable to a penalty not exceeding two pounds.

Holes made for collars, &c., to be enclosed, &c.

25. If any person shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole in or adjoining any street, road, lane, or public place for the purpose of making any cellar or cellars, on the foundation or foundations to any house or other building, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good or sufficient manner, and keep up, or cause to be kept up and continue, any such enclosure, or shall not when thereunto requested by the said Council or authorised officer thereof, well and sufficiently fence or enclose any such hole within the time and in the manner provided by the preceding By-laws, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, then and in every such case the person so offending shall forfeit and pay for every such offence, and for every refusal or neglect, any sum not exceeding five pounds, and on conviction for every subsequent offence not less than ten shillings.

Excavations, &c., to be protected by fence or wall.

26. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground on any property adjoining or near to any public road or foot-path within the limits of the Municipal District of Wingham, until the owner or occupier of the said property shall have erected a good substantial fence or wall, at the least four feet high, around such parts of the said property as adjoin such public road or foot-path, and any such person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made shall forfeit and pay for every such offence a sum not exceeding five pounds. And all existing quarries, excavations, precipices, situated within the limits of the Municipal District of Wingham shall be closed and protected in the manner aforesaid, within twenty-four hours after due notice to that effect shall have been given by the said Council, and in the event of the failure or neglect of the owner or occupier of any such last mentioned property to enclose the same, after notice as aforesaid, such person so offending shall be subject to the penalty beforementioned.

Various obstructions and annoyances.

27. Every person who, in any street or public place or passage, within the said Municipal District of Wingham, shall commit any of the following offences, shall, on conviction for any and for every such offence, forfeit and pay a penalty of not more than two pounds.

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed in any street or public place the carcass or any part of the carcass of any slaughtered animal without sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof or any part of any house or other building, any slate, brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or being repaired).

Every blacksmith, metal-founder, lime-burner, brick-maker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening within one hour after sun-set so as effectually to prevent the light from showing through the door-way, window, or aperture next or upon such street, lane, or passage.

Every person who shall within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or any offensive substance (garden refuse excepted) to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame upon any footway to the annoyance of any person.

Every person who shall be a keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private way, alley, street, or other place within the said Municipal District of Wingham.

Polluting water, reservoirs, &c.

28. Whoever shall bathe in any reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, or throw, or cause to enter therein any animal (whether alive or dead), or any rubbish, filth, or thing of any kind whatsoever, or shall cause or permit, or suffer to run, or to be brought therein the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome or improper liquid, or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed or damaged, shall, for the first offence, forfeit and pay any sum not exceeding five pounds; for a second offence, not more than ten pounds; and for a third and every subsequent offence, a sum not more than twenty pounds.

29. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals, of any kind or species, within the Municipal District of Wingham, and to give notice to the owner or owners thereof, or the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours; and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay; and the owner or owners thereof, or the owner or occupiers of the premises in default, and on conviction thereof, before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds in addition to all legal and other expenses incurred in the proceedings, and in the removal and destruction of said nuisances.

Bathing prohibited within certain limits.

30. Any person who shall bathe near to or within view of any inhabited house, or any public wharf, quay, bridge, street, road, or other public place of public resort within the limits of the said Municipal District of Wingham, between the hours of six o'clock in the morning and six o'clock in the evening, shall on conviction pay a sum not exceeding ten pounds nor less than one pound. This penalty does not apply to persons wearing bathing dresses.

Swine not to wander about the streets.

31. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situated and not being in or within thirty feet of any street or public place in the Municipal District of Wingham, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or under his charge to stray or go about or be tethered or depastured in any street, road, or other public place within the Municipal District of Wingham between sunrise and sunset (except in the case of swine, which shall not be allowed to stray at any hour) shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings. Nothing in the above rule will prevent pigs being driven through the Municipal District of Wingham for shipment.

SECTION V.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council or otherwise than according to such plans and directions as such Council make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or to any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such notice or otherwise than as aforesaid, every person so offending shall, for every such offence, forfeit and pay any sum not exceeding ten pounds, and shall, at his own expense, make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work, and any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid, shall, on conviction thereof, forfeit and pay a sum not exceeding ten pounds.

Proprietors of private sewers, &c., to repair and clean same.

2. All private drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council or officer thereof, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the Council, he shall forfeit and pay any sum not exceeding five pounds.

Water from the roof, &c.

3. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rain-water to fall from any roof, balcony, or other projection upon any street, road, lane, or foot-way, or to flow over the pathway of any such street, road, or lane, or shall cause or permit any such roof or rain-water to be discharged by any pipe upon any such street, road, lane, or foot-way, shall, if such nuisance be not abated within seven days after notice in writing to abate shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds.

Drains and foot-paths.

4. No surface drain shall be made in any foot-way, nor any pipes laid under or across the same, without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever, and any person who shall so offend shall forfeit and pay a sum not exceeding ten pounds.

Natural water-courses.

5. Any person who may have closed, or shall close or intercept any natural water-course, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved by the Council. Any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

SECTION VI.

Preventing and extinguishing fires.

Fires or combustible materials, &c.

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable article of any kind, in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds nor less than one pound, and shall forthwith remove such fire, gunpowder, or combustible or inflammable article. And every such person who shall suffer any such fire, gunpowder, or other combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

2. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, and place as or for the covering of any such stack any inflammable material, or shall place, keep, or store any hay, straw, or other inflammable material in any building so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds nor less than one pound, and also remove such fence, stack, covering, or inflammable material within forty-eight hours after such conviction. And any person failing to remove such fence, stack, covering, or inflammable material, within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Burning shavings, &c., in the street.

3. Any person burning any shavings or other matters or things in any street, road, or public place, shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Wilfully setting fire to chimneys.

4. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke-vent or stove-pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

SECTION VII.

By-laws for the regulating and licensing of public carriers, carters, water-drawers, and public vehicles, omnibuses, cars, hackney carriages, cabs, water-carts, drays, carts, or vans, and the drivers or conductors of passenger-carrying vehicles.

1. No vehicle shall ply or be used for hire within the Municipal District of Wingham, until, and unless the same be duly licensed in the manner hereafter described.

2. Before any license for plying a vehicle or to drive or conduct the same, shall be granted, the party requiring such license shall deliver to the Council Clerk a requisition in the form of schedule hereunto annexed, marked with the letter A, duly filled up and signed; and in case of drivers or conductors, shall obtain a certificate from two respectable ratepayers to the effect that the applicant is of good character, and competent to act as such driver or conductor as the case may be.

3. No license shall be granted in respect of any vehicle which, in the opinion of the Mayor or such officer as may be duly appointed for that purpose, is unsafe or in bad repair, or otherwise unfit for the accommodation and convenience of passengers therein, nor until the number of such vehicle be painted thereon, on a plate or plates affixed thereon outside on the panel of each door of such vehicle, or on such other place or places, and in such manner as the Mayor, or in his absence, two Aldermen may direct.

4. Licenses for proprietors, drivers, and conductors of vehicles shall be in the form contained in the Schedule hereunto annexed marked with the letter B.

5. Every license granted under these by-laws shall be under the common seal of the Council, Municipal District of Wingham, and signed by the Mayor and countersigned by the Council Clerk, and shall be in force from the date of such license until the 31st day of December next ensuing, and no such license shall include more than one vehicle: Provided that where the licensed vehicle shall be under repair, if the proprietor desire, he may be permitted to substitute another for the period to be thereby specified by endorsement on the license signed by the Mayor and countersigned as aforesaid.

6. For every such license there shall be paid to the Municipal fund, annually the several rates set forth in the Schedule hereunto annexed, and marked with the letter C.

7. No license shall be granted to any person to drive any passenger-carrying vehicle who shall be under the age of seventeen years.

8. All licenses shall be made out by the Council Clerk, and numbered consecutively.

9. The person in whose name a license shall appear to have been obtained shall be *prima facie* deemed to be the owner of the vehicle in respect of which the same shall have been taken out.

10. The Mayor shall, as often as he shall deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, horse or horses, and if any such vehicle, harness, horse or horses shall at any time be found to be unfit for use the Mayor may cancel the license of such vehicle.

11. The number of the license granted to every omnibus, or car in figures not less than four-inches in height, and for every hackney carriage and cab in figures not less than two-inches in height and of proportionate breadth, white upon a ground of black shall be painted outside, on the panel of the door, or doors of such vehicle, or on such other part or parts thereof as the Mayor may direct and such numbers shall be kept legible and undefaced during all the time such vehicles shall ply or be used for hire at the expense of the licensee.

12. Carters (plying for hire) of water-carts, drays, or vans, are to be registered at the Council Chambers and receive a license upon payment of the rate set forth in Schedule C, hereunto annexed.

13. The name, place or abode, number of license and the words "licensed cart," dray, or van, as the case may be, are to be painted in letters one-inch long upon the right or off side of such cart, dray, or van at the expense of the licensee.

14. Whenever the word "vehicle" shall be used in these By-laws, the same shall be understood to apply to either an omnibus or car, hackney carriage or cab, and an omnibus shall be meant to be a vehicle upon four wheels, drawn by two or more horses, and a cab a vehicle upon two wheels for which an omnibus license has been taken out, and a hackney carriage shall mean a vehicle on four wheels drawn by two or more horses, and a cab a vehicle on four wheels for which a hackney carriage license has been taken out; and the word "carters" shall be understood to apply to carts, drays, or vans plying for hire.

15. For every offence against the provisions of these By-laws the offender shall be liable to and pay a penalty of not more than ten pounds, nor less than ten shillings.

16. No timber-carriage, truck, trolley, or other vehicle used for a like purpose, or dray attached for the conveyance of timber or other material, will be allowed to ply or work within the Municipal District of Wingham unless the same be licensed. No timber carriage, as heretofore mentioned, shall be licensed unless the tires of the wheels be at least five inches in width.

17. The owners of any such timber carriage as aforesaid shall have their names painted in legible letters, with the word "licensed," on some conspicuous part of such timber carriage respectively. The license fee shall be at the rate of ten shillings per wheel per annum, and shall be issued in January, April, July, and October in each year, and anyone who shall omit or fail to comply with the provisions of this By-law shall forfeit a sum not exceeding five pounds nor less than two pounds.

18. All drays, carts, timber carriage, trolleys, waggonettes, used for carriage of produce, passing through the Municipal District of Wingham, must have the owner's name painted thereon in legible letters, and for every offence against the provisions of this By-law the owner shall be liable to pay not more than twenty shillings, nor less than two shillings and sixpence.

19. All penalties recovered under any of these By-laws shall be paid to the Municipal Council of Wingham, to be appropriated towards the general revenue of the Municipality.

SCHEDULE A.

A Requisition for a License.

To the Municipal District Council of Wingham.

I, _____, residing at _____ street, within the Municipal District of Wingham, do hereby request that a license may be granted to me by _____ within the limits of the said Municipal District of Wingham.

Dated at Wingham, this _____ day of _____ 18 .

SCHEDULE B.

Form of License.

This is to certify that _____ of _____ street, Wingham, is hereby licensed to _____ from the _____ day of _____ to the 31st day of December, 18 _____ inclusive, within the Municipal District of Wingham, subject nevertheless to all and every the By-laws and regulations in force relating thereto.

Given under my hand and the Common Seal of the Municipal District of Wingham, in the Colony of New South Wales, this _____ day of _____ 18 .

(L.S)

Council Clerk.

Mayor.

SCHEDULE C.

A Table of Rates to be paid by the proprietors and drivers of licensed vehicles :—

	On and after the first of January.	On and after the first of April.	On and after the first of July.	On and after the first of October.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For every omnibus, hackney carriage, buggy, sociable, or other vehicles having 4 wheels.	2 0 0	1 10 0	1 0 0	0 10 0
For every sulky, drays, water-carts, or other vehicles with 2 wheels. ...	1 0 0	0 15 0	0 10 0	0 5 0

For every driver's or conductor's license for passenger-carrying vehicles for every year or part of a year—five shillings.

Made and passed by the Municipal Council of the Municipal District of Wingham, this 10th day of December, in the year of our Lord 1889.

(L.S.) JOSHUA COCHRANE, J.P., Mayor.

H. H. ELSE, Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF DUBBO—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 20th May, 1890.

MUNICIPAL DISTRICT OF DUBBO—AMENDED BY-LAWS.

THE following Amended By-laws, made by the Council of the Municipal District of Dubbo under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW No. 1, PART 1.

Ordinary Meetings.

The Council shall meet for the transaction of business every alternate Monday, at the hour of half-past seven p.m. during the months April to September, both inclusive, and at the hour of eight p.m. during the months October to March, both inclusive, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

BY-LAW No. 116, PART 4.

Driving round Street Corners.

No person shall ride or drive any horse attached to a vehicle at a pace faster than a walk round street corners or over street crossings that may or shall be proclaimed "Walk over Crossings," and notified in the *Government Gazette* and local newspaper. Any person offending against this By-law shall be liable to a penalty of twenty shillings for each such offence.

Amended and passed by the Municipal Council of Dubbo, this 24th day of March, one thousand eight hundred and ninety.

(L.S.) NARCISSE MULLER,

Mayor.

T. W. HEAYDON, Council Clerk.

[The following text is extremely faint and largely illegible due to low contrast and scan quality. It appears to be a list or series of entries, possibly names or titles, arranged in a structured format. Some faint words like "List", "No.", and "Name" are visible, suggesting a table or index. The text is scattered across the page with significant gaps and noise.]

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF SILVERTON—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 27th May, 1890.

MUNICIPAL DISTRICT OF SILVERTON—BY-LAW.

THE following By-law, made by the Council of the Municipal District of Silverton under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPALITY OF SILVERTON.

By-law No. 86.

Any person who shall allow any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place, shall on conviction forfeit and pay any sum not exceeding forty shillings nor less than five shillings for such and every animal so suffered to stray or go about.

The foregoing By-law was made and passed at a meeting of the Municipal Council of Silverton held this twenty-fourth day of April, 1890.

(L.S.) PATRICK M'MAHON,
Mayor.

A. L. TAIT, Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.
 (BOROUGH OF BURWOOD—BY-LAW.)

 Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
 Sydney, 26th June, 1890.

BOROUGH OF BURWOOD.—BY-LAW.

THE following By-law, made by the Council of the Borough of Burwood under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW of the Borough of Burwood, made under and for carrying into effect the provisions of the
 "Municipalities Act of 1867."

Any person who shall ride or drive through any road, street, or public place, negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, or who shall not carry a light upon any vehicle traversing such road, street, or public place, after an hour after sundown to daylight, shall forfeit and pay a sum not exceeding five pounds.

Passed at a meeting of the Burwood Council, held on Monday, 17th March, 1890.

(L.S.) G. E. RUSSELL JONES,

W. REDFEARN, Council Clerk.

Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF BURWOOD—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 13th August, 1890.**BURWOOD MUNICIPALITY.—BY-LAW.**

THE following By-law, made by the Council of the Borough of Burwood under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW of the Borough of Burwood, made under and for carrying into effect the provisions of the "Municipalities Act of 1867."

Obstructing Public Ways.

IF the owner or occupier of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any street, or road, or highway, so as to obstruct the passage thereof, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at the least, the said Council, by their servants, labourers, and workmen, may cut or cause to be cut or lopped all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen, in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every person so offending shall on conviction forfeit and pay any sum not exceeding ten pounds.

Passed at a meeting of the Burwood Council, held on Monday, the 12th May, 1890.

W. REDFERN,
Council Clerk.

(L.S.) G. E. RUSSELL JONES,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF BURWOOD—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 20th August, 1890.

BURWOOD MUNICIPALITY.—BY-LAW.

THE undermentioned By-law, made by the Council of the Borough of Burwood, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the provisions of the above-cited Act.

HENRY PARKES.

BY-LAW of the Borough of Burwood, made under and for carrying into effect the provisions of the Municipalities Act of 1867.

With regard to buildings hereafter to be built or rebuilt.

It shall not be lawful for any awning, verandah, portico, coping, parapet, overhanging eaves, cornice, windows, string-course, string-cornice, dressing, or any architectural decoration forming part of or attached to any external wall, to project beyond the building-line of any street or road, except with the consent of the Council first obtained, nor shall any balcony, or any other external projection as aforesaid, which may hereafter be added to any existing building be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound, except with the consent of the Council first obtained: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Passed at a meeting of the Burwood Council, held on Monday, the 23rd June, 1890.

(L.S.) G. E. RUSSELL JONES,
Mayor.

W. REDFEARN, Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NARRABRI-BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 5th July, 1890.

BOROUGH OF NARRABRI.—BY-LAW.

THE following By-law, made by the Council of the Borough of Narrabri under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

ADDITIONAL BY-LAW REGULATING THE ORDER OF DEBATE.

If during any debate or discussion whatsoever at any sitting of the Council or in Committee, any Alderman shall move "that the question be not put," the Mayor or presiding Chairman shall call upon the Aldermen to decide, without discussion, whether the motion, amendment, or other matter be forthwith put; and if a majority of Aldermen, in number not less than four, are in favour of this being done, the Mayor or Chairman shall put the question. And further, no Alderman, during any such debate or discussion as aforesaid, shall be permitted to discuss or speak to or against any question or motion or any subject whatsoever for a greater length of time than ten minutes, without the express permission of the majority of the Aldermen present; and should any Alderman be called upon by the Mayor or presiding Chairman to resume his seat, under and by virtue of the provisions of this By-law, and fail to do so forthwith, he shall be out of order, and shall be subject to the penalties for persisting in disorderly conduct, as laid down in Section 54, Part 1, of the By-laws of the Borough of Narrabri, as gazetted on the 18th October, 1884.

I hereby certify that the above By-law was passed by the Council of the Borough of Narrabri, on Thursday, the 8th day of May, A.D. 1890.

EDW. GUEST, Council Clerk.

(L.S.) GEO. SAML. EVANS DALE,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF NEW LAMBTON.—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 11th August, 1890.

NEW LAMBTON MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of New Lambton under the Municipalities Act of 1867, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS OF THE BOROUGH OF NEW LAMBTON.

PART I.

Proceedings of the Council and Committees.—Duties of Officers and Servants, &c.

Ordinary meetings.

1. The Council shall meet for the transaction of business on such days and at such hours as the Council may from time to time appoint.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman, to act during the absence of the Mayor. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the minute book.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council, other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected, if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Correspondence to be read, and order made thereon, if expedient.
3. Petitions (if any) to be read and dealt with.
4. Reports from committees and minutes from the Mayor (if any) to be presented, and orders made thereon.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of the committees or officers, to be made.
6. Motions, of which notice has been given, to be dealt with in the order in which they stand on the business paper.
7. Orders of the day to be disposed of as they stand on the business paper.

Business may be taken out of regular order.

Provided that the Council may, by resolution without notice, entertain any particular motion, or deal with any particular matter of business, out of its regular order on the business paper without any formal suspension of this section, and may in like manner direct that any particular or matter of business may have precedence at a future meeting.

General duties of the Mayor or presiding Alderman.

Order.

4. The Mayor or presiding Alderman shall preserve order, and his decision on all disputed points shall be final, but he is to give his decision without argument or comment.

The Mayor may take part in proceedings.

5. The Mayor or presiding Alderman may take part in all proceedings of the Council.

Putting questions.

6. The Mayor or presiding Alderman shall put all questions and declare the sense of the Council thereon.

Pre-audience.

7. If two or more members rise to speak at the same time, the Mayor or presiding Alderman shall decide which member is entitled to pre-audience.

Not to speak a second time.

8. The Mayor or presiding Alderman may, without waiting for the interposition of any member of the Council, call to order any member proceeding to speak a second time on the same question, except in explanation, and without introducing any new matter. The member introducing the motion to have the right of reply; and every member shall have the liberty of speaking once on every amendment as well as on the original motion.

Questions put by Mayor.

9. The Mayor or presiding Alderman shall on every motion made and seconded put the question, first in the affirmative and then in the negative, and he may do so as often as may be necessary to enable him to form and declare his opinion from the show of hands as to which party has the majority.

Not speaking to question.

10. No member shall deviate from the subject under debate or make personal reflections upon any other member.

Time for speaking.

11. No member shall speak on any motion or amendment longer than ten minutes.

Offensive expressions.

12. No member shall make use of any expression capable of being applied offensively to any other member.

Adjournment of debate.

13. A debate may be adjourned to a later hour of the same day or to another day specified.

Member entitled to pre-audience.

14. The member upon whose motion any debate shall be adjourned shall be entitled to pre-audience on the resumption of the debate.

Calls to order.

15. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order, or to any other point of order.

Motion for adjournment.

16. Any motion for adjournment if seconded shall be immediately put without discussion, but if such motion be negative, it shall not be competent for any member to make a like motion until the lapse of a quarter of an hour.

Motions must be seconded.

17. No notice shall be taken by the Mayor or presiding Aldermen of any motion unless it be seconded.

Notices must be in writing.

18. All notices of motion shall be in writing, dated and signed by the Alderman proposing the same, previous to being handed to the Council Clerk, and shall not be withdrawn from the business paper unless by consent of a majority of the Council then sitting.

Call of the whole Council.

19. No motion, the effect of which if carried would be to rescind any motion which has already passed the Council, shall be entered on the business paper unless a call of the whole Council has been duly made and granted for that purpose.

How ordered.

20. A call of the Council may be ordered by any resolution of which due notice has been given, for the consideration of any motion or matter of business before such Council.

How voting determined.

21. The Council shall vote by show of hands; but any Alderman may divide the Council on any question, both in full Council or in Committee of the Whole, in which case every Alderman there present shall be compelled to vote, and divisions shall be entered in the minute book.

Questions to be read when required.

22. Any member may require the question under discussion to be read for his information at any time during the debate, but not so as to interrupt any other member whilst speaking.

How amendments to be put.

23. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon; but no such amendment shall be discussed unless and until it be seconded. No motion or amendment shall be discussed until it shall have been reduced to writing.

Council Clerk to give notice of Committee Meetings.

24. The Council Clerk shall call a meeting of any Committee when requested to do so by the Chairman or any two members of such Committee.

Petitions.—The debate.

25. On the presentation of a petition, no debate shall take place until notice has been given in the usual manner, and the only question that can be entertained by the Council on the day of its presentation shall be that the petition be received or that it be referred to a Committee.

Language of petitions.

26. It shall be incumbent on any Alderman presenting a petition to acquaint himself with the language thereof, and to report to the Council that he considers it unobjectionable.

Petitions of parties signing.

27. All petitions shall be received only as the petitions of the parties signing the same.

Committees.

28. Besides such special Committees as from time to time shall be found necessary, there shall be a standing Finance Committee, which shall examine and check all accounts, and shall watch generally over the collection and expenditure of the revenues of the Borough. They shall inquire and report from time to time as to all matters which they may consider to affect or be likely to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be

directed by resolution of the Council to inquire and report upon. Such Committee shall be appointed by resolution of the Council within thirty days after the election of the Mayor for the Municipal year.

Chairman of Committees.

29. The Mayor shall be Chairman of all Committees of which he shall be a member, and every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee; and such Chairman may direct the Council Clerk to call meetings whenever he shall think it expedient.

Records of transactions in Committee.

30. The Chairman of each Standing Committee shall make or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be Chairman, hand over to his successor.

Report to be signed.

31. Every report of a Committee shall be signed by the Chairman thereof.

Funds of Municipality.

32. No work affecting the funds of the Municipality shall be undertaken until the probable expense be first ascertained by the Council; and all accounts to be paid by the Council shall be examined before any warrant shall be issued for the payment thereof: Provided that in cases of emergency, and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee—for repairs or emergent works to the extent of five pounds.

2. By order of Mayor—for necessary current expenses to the extent of two pounds.

3. By order of the Mayor and any two Aldermen, or without the Mayor, or any four Aldermen—for any emergent purpose to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

Security.

33. In cases where security is required by the Municipalities Act of 1867, no security shall be accepted otherwise than by a vote of the Council.

Books and papers not to be shown.

34. No officer or servant appointed by the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without leave from the said Council, except as provided by law.

Common Seal.

35. The common seal shall not be affixed to any document without the express authority of the Council; and every impression thereof shall be verified by the signatures of the Mayor and Council Clerk.

Seal, charter, &c., where kept.

36. The seal of the Municipality, and all charters, deeds, and records of the Council, shall be kept in the custody of the Council Clerk, unless the Council shall otherwise order.

PART II.

Collection and enforcement of Rates.

Times and modes of collection.

37. All rates levied or imposed by the Council under the provisions of the "Municipalities Act of 1867," and for the purposes mentioned in the said Act, shall be collected once a year; and such rate shall be held to be due and payable on and after such days as the Council may from time to time appoint.

Rates to be paid at office of Council Clerk.

38. All rates made and authorized by the Council shall be paid within the time prescribed by the Act, on such hours and days and at such places as the Council may from time to time appoint.

Unpaid rates.

39. The Council Clerk shall prepare, at such times as may be ordered by resolution of the Council or the Mayor, a list of the names of all persons whose rates are unpaid at the expiration of the time fixed for the payment of the same; and the Mayor may take immediate proceedings, either by summons or by the issue of distress warrants, against defaulters.

Bailiff.

40. The Bailiff shall be appointed by resolution of the Council, and shall be at any time removable by a like resolution, and shall give such security as the Council shall approve of for the faithful performance of the duties of the office.

Levies and distresses.

41. The Bailiff shall make all levies and distresses for the recovery of rates under the warrant of the Mayor; such warrant to be made in accordance with the form in Schedule hereto annexed marked A.

Entry and levy.

42. The Bailiff shall be paid for entry and levy made under these By-laws, according to the Schedule annexed marked C.

Making a distress.

43. At the time of making a distress, the Bailiff shall forthwith make out a written inventory in the form or to the effect of the Schedule annexed marked B, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person in his or her behalf resident in the place where the distress has been made; and in case there shall be no such person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted in some conspicuous part of the land or premises on which the distress has been made; and the Bailiff shall deliver a copy of such inventory to the Council Clerk for the information of all parties concerned.

Bailiff to enter upon land.

44. It shall be lawful for the Bailiff, and such assistance as he may require, to enter into any part of the land, building, tenement, or other property, in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods therein or thereon, and to remain in such tenement, building, or other property in charge thereof; and if the sum for which such distress shall have been made or taken shall not be paid on or before the expiration of five days, it shall be lawful to sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such place within the Borough as the said Bailiff may think fit to remove them to for such purpose; and the surplus (if any) that may remain after deducting the sum distrained for, together with the expenses attendant upon such distress, shall be paid over on demand to the owner of the goods so sold: Provided always that nothing herein contained as to the time of sale shall apply to any crops of cereals, fruit, or vegetables which may be growing at the time when such distress shall be made.

The Bailiff may impound.

45. The Bailiff, when making a distress as aforesaid, may impound or otherwise secure the distress so made, of what nature or kind soever it may be, in such places, or in such part of the land or premises chargeable with the rate, as shall be most fit and convenient for that purpose; and it shall be lawful for any person whatsoever, after the expiration of the five days hereinbefore mentioned, to come and go to and from such place or part of the said land and premises where any distress shall be impounded and secured as aforesaid, in order to view and buy, and to carry off and remove the same, on account of the purchaser thereof.

Goods how to be sold.

46. The owner of any goods so distrained upon may, by writing, direct and specify the order in which they shall be successively sold; and the said goods and chattels shall in each case be put up for sale according to such direction.

Proceeds of sale to be paid to Council Clerk.

47. The Bailiff shall hand over to the Council Clerk all proceeds of such distresses within twenty-four hours after such sale, also the copy of every inventory and account of every such sale or sales.

Bailiff may appoint deputy.

48. The bailiff, with the sanction of the Mayor, may authorize any person to act temporarily as his deputy; and the person thus authorized shall have and exercise, for the time being, all the powers of the Bailiff himself; but the Bailiff and his sureties shall in such case be held responsible for the act of such deputy.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Borough of New Lambton, do hereby authorize you, _____, Bailiff of the said Borough, to distrain the goods and chattels of _____, which are in the dwelling-house, or in and upon the land and premises of _____, situate at _____, for the sum of £ _____, being the amount of Municipal rates due to the said Borough for the Municipal year ending _____, 18 _____, for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.—Dated this _____ day of _____, 18 _____.

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the hand of the Mayor of the Borough of New Lambton, dated _____, of which a copy is attached hereto, distrained the goods and chattels set forth at foot hereof, in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the said Borough, for the sum of £ _____, being the amount of rates due to the said Borough for the Municipal year ending _____ 18 _____.—Dated this _____ day of _____ 18 _____.

Bailiff.

SCHEDULE C.

Costs.

	s	d.
For every warrant of distress	2	0
For serving every warrant and making levy	2	0
For making and furnishing copy of inventory	2	0
For man in possession, each day or part of a day	5	0
For sale and delivery of goods—one shilling in the pound on the gross proceeds of the sale, in addition to the costs of advertisements, if any.		

PART III.

Preventing and Extinguishing Fires.

Fire or combustible materials, &c.

49. Every person who shall place, or knowingly permit to be placed, in any yard, horse, work-shop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall on conviction of every such offence forfeit and pay a penalty of not more than five pounds; and shall forthwith remove such fire, gunpowder, or other combustible and inflammable materials. And every such person who shall suffer any such fire, gunpowder, or other combustible or inflammable materials to remain as aforesaid for forty-eight hours after such conviction shall be deemed guilty of a further offence against this by-law.

Fireworks.

50. Every person who shall discharge any firearms without lawful cause, or who shall light any bonfire, tar-barrel, or fireworks, upon or within ten yards of any public or private street or any public place, shall forfeit a sum not exceeding five pounds.

Negligently allowing chimney to be on fire.

51. If any chimney accidentally catch or be on fire, or if a chimney emits sparks to endanger the property of persons within this Borough, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not less than five shillings nor more than forty shillings.

PART IV.

Suppression of Nuisances.

52. No householder or resident in the said Borough shall be allowed to permit his or her premises, yards, closets, or drains to be offensive or a nuisance to the adjoining householders or residents.

Offensive trade.

53. No noisome or offensive trade shall be permitted to be carried on in any premises to the inconvenience of the residents of adjoining or other houses.

Notice to proprietor.

54. Upon complaint being lodged at the Council Chamber with the Council Clerk that the yards, closets, or drains of any premises is or are a nuisance or offensive, and after inspection such shall be found to be the case, notice shall be given in writing to the proprietor or tenant to remove or abate such nuisance within forty-eight hours after such notice; and if after such notice the nuisance shall not be removed or abated, the proprietor or tenant of the said premises shall be liable to a penalty not exceeding forty shillings nor less than ten shillings.

Wells to be covered over.

55. Every person who shall have a well situated between his or her dwelling-house or the appurtenances thereof and any road, street, or footway within the limits of the said Borough, or at the side of or in any yard or place open or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over; and if any person having any such well as aforesaid shall fail to cover and secure the same within (24) twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last-known place of abode, or on the said premises, shall on conviction forfeit and pay not less than two shillings and sixpence nor more than twenty shillings, and for every twenty-four hours after such notice that such well shall remain open and uncovered contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Drawing or hauling timber.

56. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Borough, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing, which shall be carried principally or in part upon a wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings, over and above the damages occasioned thereby.

Conveying animals slaughtered.

57. Every person who shall carry or convey, or cause to be carried or conveyed, in any vehicle, in any street or public place, the carcase or any part of the carcase of any newly-slaughtered animal without a sufficient and proper cloth covering the same for the concealment thereof from public view, or shall hawk or carry about butcher meat without covering the same as aforesaid, shall be liable on conviction to a penalty of any sum not exceeding two pounds for every such offence.

Rubbish not to be thrown on streets.

58. No person shall be allowed to throw rubbish, sweepings, broken glass, dead animals, or other offensive matter or thing, or deposit of any kind whatever, on the streets, pathways, or channels, or in any public place within this Borough.

Injury to kerbstones, guttering, &c.

59. No driver, carter, or other person shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to the kerbstones, gutters, or pathways of any street or roadway; and no person shall be at liberty to ride on horseback, or drive a wheeled vehicle of any kind, on the footways.

Cattle straying.

60. It shall not be lawful for any person whomsoever to suffer any horses, cattle, swine, or goats belonging to him or under his charge, to stray in any public road or thoroughfare within the said Borough.

Careless riding or driving.

61. No person shall ride or drive through or upon any street or public place so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered.

Destroying pathways or roads.

62. No person shall be allowed to alter, cut up, or destroy the pathways or roads, or to remove loam, sand, or gravel from any of the streets or roads of the Municipality without the authority of the Council, and for such authority a fee of one shilling shall be paid.

Placing material on streets or pathways.

63. No person shall be allowed to place on the streets or pathways building material otherwise than is absolutely necessary, and by the sanction, in writing, of the Mayor or Council Clerk; and no person shall be allowed to have water-holes or excavations for cellars or other purposes in or adjoining any public place unfenced, or in such manner as to be dangerous to passers-by; and all places where buildings are being carried on, or where any obstruction to the danger of the passer-by exists, the person causing such obstruction shall be required to place lights on either side, and keep the same lighted from sunset to sunrise.

Damaging trees and shrubs.

64. No person shall destroy or damage any shrub or tree growing in any street or thoroughfare or other public place within this Municipality, or injure any hedge, fence, gate, or building in such street, thoroughfare, or public place; or to set fire to any shrubs or trees, or to cut or remove any timber from any such street, thoroughfare, or public place aforesaid; or to destroy, tear, deface, or otherwise injure any notice, proclamation, or other document purporting to be under the authority of the Council, or of any officer of the said Council, which shall be affixed in any public place.

Exposing goods for sale.

65. No person shall place or expose for sale on the pathways or streets, carts, goods, parcels, or produce of any kind whatever, to the obstruction of the public.

Made and passed at a meeting of the Borough Council of the Municipality of New Lambton, this 14th day of May, 1890.

(L.S.) JOSEPH W. OLDHAM,
Mayor.

J. HANN, Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF GUNDAGAI—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 19th August, 1890.

GUNDAGAI MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Gundagai, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

1. That the following be and are hereby confirmed as the By-Laws of the Council of the Municipal District of Gundagai.

*Meetings of the Council.**Ordinary Meetings.*

2. Unless otherwise ordered, the Council shall meet for the dispatch of business on every alternate Wednesday, at the hour of 7:30 p.m., unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such day as the Mayor may appoint.

Election of Chairman in absence of Mayor.—Adjournment for want of quorum.

3. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the minute-book.

Course of procedure.

4. The following shall be the course of procedure at such meetings, viz. :—

- I. Reading and confirming minutes of previous meeting or meetings.
- II. Petitions (if any) to be presented and dealt with.
- III. Correspondence to be read and dealt with.
- IV. Reports from Committees and minutes from the Mayor to be presented and ordered upon.
- V. Questions as to matters under the jurisdiction or within the official cognizance of the Council to be put and replied to.
- VI. Motions on notice to be dealt with in their respective order.
- VII. Orders of the Day, which shall comprise all business set down for the day by order of any previous meeting or necessarily arising out of the proceedings of a former meeting, the Council may, by resolution, take any particular matter out of the regular order on the business paper,

Business at Special Meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or Alderman at whose instance the special meeting shall have been called may have directed.

Absence of proposed mover.

6. No motion of which notice shall have been entered on the business paper, shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

7. No motion shall be discussed unless and until it be seconded.

Motion to be in writing, and not withdrawn without leave.

8. Every motion, notice of which has been given, shall be in writing, shall be signed by the mover, and no motion when seconded shall be withdrawn without leave of the Council.

Amendments may be moved.

9. When a motion shall have been moved and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Only one Amendment at the time.

10. No second or subsequent amendment shall be taken into consideration until the previous amendment shall have been disposed of.

Petitions.

11. The Council may at any meeting resolve, without previous motion, that any petition be received, and that the same or any correspondence read, be referred to a Committee for report, or that the requests therein contained be granted.

Mayor to preserve order.

12. The Mayor shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order,

Calls to order.

13. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order, or to any point of order.

Mayor's decisions on points of order final.

14. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor thereon shall be conclusive, except as hereinafter provided.

Power of Council as to laying down general rules, &c.

15. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion on notice respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar question of order or of practice which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties, unless and until it be rescinded, but shall have no retrospective operation.

Mayor may take part in proceedings.

16. The Mayor may take part in all the proceedings of the Council or committees thereof.

Questions put by Mayor.

17. The Mayor shall put all questions, first in the affirmative and then in the negative (provided that where an amendment is moved to any motion the amendment shall be first put), and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to pre-audience of Aldermen.

18. If two or more Aldermen rise to speak at the same time, the Mayor shall decide which of them shall be entitled to pre-audience.

No Alderman to speak twice on the same question or amendment except in Committee.

19. No Alderman shall speak twice on the same question, unless in Committee, or in explanation, where he shall have been misrepresented or misunderstood. Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

No Alderman to make personal reflections.

20. No Alderman shall digress from the matter under discussion, or make personal reflections on or impute motives to any other Alderman.

No Alderman to speak more than fifteen minutes.

21. No Alderman shall speak on any motion or amendment for a longer period than fifteen minutes without the consent of the Council; and every Alderman shall stand when speaking and address the Chair.

Aldermen using offensive expressions to apologize.

22. When any member of the Council shall make use of any language or expression offensive or capable of being applied offensively to any Alderman, the member so offending shall be required to withdraw such language or expression and to make an apology satisfactory to the Council.

Debate may be adjourned.

23. A debate may be adjourned to a later hour the same day, or to another day.

Alderman adjourning debate entitled to precedence on resumption.

24. The Alderman upon whose motion any debate shall be adjourned shall be entitled to precedence on the resumption of the debate.

Adjournments.

25. Any motion for adjournment of the Council, if seconded, shall be immediately put without discussion; but if such motion be negatived it shall not be competent for any Alderman to make a similar motion until thirty minutes shall have elapsed.

Any Alderman may divide Council.

26. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in Committee of the whole Council; and no Alderman shall leave his seat or place till the names of the Aldermen, and how voting, shall have been taken down by the Council Clerk or person officiating for him.

Divisions to be entered on minutes.

27. All divisions of the Council shall be entered on the minutes of the proceedings.

Questions to be read when required.

28. Any Alderman may require the question or matter under discussion to be read once for his information, and upon such request the question or matter under discussion shall be read.

Suspension of By-laws.

29. Any of these By-laws relating to or affecting proceedings at meetings of the Council may be suspended *pro tempore* in cases of emergency by resolution of the Council.

Rescinding motion already passed.

30. No motion to rescind any decision of the Council shall be entertained except at a Council of the Whole specially called for the purpose.

Questions may be put.

31. No question shall be put to the Mayor when in Council requiring the production of papers, or which cannot be replied to without reference to books or papers, unless twenty-four hours' notice in writing shall have been given thereof to the Council Clerk.

Standing and Special Committees.

Standing Committees.

32. There shall be a Committee of Works and Finance Committee. These Committees shall be reappointed every year at the first meeting of the Council which shall be holden after the election of Mayor.

Committee of Works.

33. The Committee of Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other places under the management of the Council. They shall also inquire and report from time to time upon such improvement, repairs, or other matters as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

34. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect the finances of the municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

By-law Committee.

35. The By-law Committee shall prepare, for the consideration of the Council, drafts of such by-laws as may be required for the good government of the municipality.

Rules to be observed in Committee.

36. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Report of Committee to be signed.

37. Every report of a Committee shall be signed by the Chairman thereof.

Special Committees.

Appointment of special Committee to be made by resolution after due notice.

38. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a special Committee ought to be appointed; and no standing Committee shall interfere with the performance of any duty which may, for the time being, have been entrusted to any such special Committee. The appointment of every such special Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee; or he may propose that such Committee consist of a certain number of members, to be appointed by ballot. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committees, such Mayor or Chairman shall so decide.

Chairman of Committees.

A Chairman to be elected by Committee.

39. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Protection of Funds and Records.

Member or officer of Council not to be surety.

40. In cases where surety is required by the Municipalities Act it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Custody of records, seal, &c.

41. The common seal and all charters, deeds, muniment^c books, papers, and records of the Council shall be kept in the Council Chambers or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose; and the common seal shall not be used except with the signature of the Mayor and authority of the Council.

Records, &c., not to be defaced or altered.

42. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy, any such common seal, charter, deed, muniment, book, paper, or record, shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding fifty pounds nor less than five pounds, and upon every subsequent conviction a penalty of not less than twenty pounds.

Nor removed.

43. Any person who shall remove, or attempt to remove (except for the purpose of any legal proceedings), any seal, charter, deed, muniment, book, paper, or record from the Council Chamber, without leave from the Council first had and obtained, shall, on conviction thereof, forfeit and pay a penalty of not more than twenty pounds nor less than two pounds, and for every subsequent offence a penalty of not less than five pounds.

Expense of proposed works to be first ascertained—Accounts to be examined by Finance Committee.

44. No work shall be undertaken until the probable expense thereof shall have been ascertained by the Council; and all accounts to be paid by the Council shall be examined by the Finance Committee and reported on by them before any warrant shall be issued for the payment thereof.

Outlay in urgent cases.

45. In cases of emergency arising between meetings of the Council it shall be lawful for necessary works to be ordered without vote of the Council, viz. :—By the Mayor to the extent of five pounds; and with the consent of three Aldermen any sum not exceeding twenty pounds.

Levying Rates, &c.

Due dates for rates—Defaulters.

46. The rates and taxes levied by the Council shall be held to be due and payable on such day or days as the Council shall by resolution from time to time appoint. Every person not paying his or her rates or taxes at the office of the Council, or to the Council Clerk or other proper officer of the Council, within thirty days after any of the days so appointed for payment thereof, shall be deemed a defaulter. Provided that due notice of such rate shall have been given in manner as required by the Municipalities Act of 1867.

The Council Clerk to furnish list of defaulters.

47. It shall be the duty of the Council Clerk to furnish the Mayor and Council, or any Committee as directed, with lists of all persons so in default.

Mayor to enforce payment.

48. It shall be the duty of the Mayor to cause such defaulters to be sued for the amount of such rates in any Court of competent jurisdiction, or to issue distress warrants against all such persons, and to cause such warrants to be enforced.

Rates on damaged premises.

49. In the event of any premises being wholly or partially destroyed by fire or other accident, the Council shall have power to accept an equitable proportion of the assessed rates of such premises for the remainder of any municipal year.

Streets and Public Places.

New roads to be reported upon.

50. No new public road, street, way, park, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been examined by a Committee of Works and reported upon to the Council by such Committee.

Plans of proposed new roads, &c., to be deposited.

51. Whenever any proprietor or proprietors of land within the said municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, park or other place as aforesaid. And he or they shall execute any instrument dedicating such road, street, way, park, or other place, as the Council may consider necessary.

Temporary stoppage of traffic for repairs, &c.

52. The Council may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this by-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

No encroachment allowed on streets, &c.

53. Whenever any road, street, lane, or thoroughfare has been marked out, no house, shop, fence, or other structure shall be allowed, except as hereinafter mentioned, to project or encroach on any part thereof; and in order that the due alignment of the roads, streets, lanes, or thoroughfares within the said municipality shall be observed, and that no encroachment shall be made thereon, it shall not be lawful for any person, unless for any temporary or other purposes permitted by the Council, to erect or put up any building, erection, obstruction, fence, or enclosure, or make any excavation or hole on, under, or near such road, street, lane, or thoroughfare, unless due notice of the same shall have been given to the Clerk of the Council at least one week before any such building, erection, obstruction, fence, or enclosure, excavation, or hole as aforesaid shall be commenced to be erected, or put up, or made, and the assent of the Council first obtained. And in default of the same the person so offending shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than forty shillings; and on every successive conviction for a similar offence shall forfeit and pay a penalty of not less than three pounds.

Obstructing public pathways.

54. If the owner or occupier of any land situate on the side of any street or road in this municipality shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road so as to obstruct the passage thereof, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants to the height of eight feet at the least, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen, in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds.

Erection of awnings.

55. No person shall erect an awning in front of any house or shop without first making application to the Council, and any person so doing without authority shall be liable to a fine not exceeding five pounds, and have such awning removed.

Encroachments must be removed on notice.

56. The Inspector of Nuisances or other such officer or person may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same, or caused it to be erected.

Council may remove encroachments.

57. In any case where after service of notice for the removal of any obstruction or encroachment the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same under the superintendence of its own proper officer, and at the cost of the person so offending, provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for breach of by-law, the penalty not to exceed twenty-five pounds nor be less than one pound; and in case of every successive offence, the penalty, on conviction, not to be less than five pounds.

Or may proceed by action.

58. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal, and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such by-laws as aforesaid.

To apply also to obstructions by digging, &c.

59. The foregoing provisions shall be equally applicable to all obstructions by digging or excavation; and any person who shall wilfully obstruct or interfere with the Inspector of Nuisances or other officer as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these by-laws imposed, or cast on the said inspector or officer, shall, on conviction, forfeit and pay a penalty of not less than two pounds or more than twenty pounds.

Erection of houses, &c.

60. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place in the borough without first serving notice, in writing, on the Mayor or Council Clerk, on any lawful day, between the hours of eight o'clock a.m. and eight o'clock p.m., stating such intention, and describing the proposed situation of the building or erection, and without having received an authority from the Mayor or Council Clerk, who will give the required level and alignment, if in a proclaimed street, on payment of a fee of ten shillings. No person shall be at liberty to encroach beyond the building-line in any street or lane, by the erection of houses, verandahs, doorsteps, fences, or other obstruction whatever.

Houses, &c., to be spouted.

61. All proprietors of houses within the municipality having a frontage to any main thoroughfare shall be bound to have the same sufficiently spouted with down pipe, to be carried under the surface of the footpath into the gutter, under a penalty of ten shillings on conviction; and, if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty also for every succeeding seven days.

Offences—Nuisances—General Good Order of the Borough.

Damaging public buildings, &c.

62. Any person who shall damage any public building, wall, parapet, sluice, bridge, road, street, sewer, watercourse, or other property of the borough shall pay the cost of repairing the same; and if the same be wilfully done shall also forfeit and pay a sum not exceeding twenty pounds nor less than five pounds: Provided that such cost and penalty shall not exceed in the whole the sum of fifty pounds.

Injuring or extinguishing lamps.

63. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said borough, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence any sum not less than one pound nor more than five pounds.

Damaging trees.

64. Any person who shall wilfully and without the authority of the Council cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding five pounds nor less than one pound.

Throwing dead animals, &c., into any watercourse, &c.

65. Any person who shall throw or cast any filth, rubbish, or any dead animal, or any animal, with intent to drown the same, into any watercourse, river, creek, or canal, or who shall permit or suffer slops, suds, nightsoil, sewerage matter, or any filth of any kind, to flow or be cast from his or her premises into any such watercourse, waterhole, river, creek, or canal, or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways or streets of the borough, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, nightsoil, sewerage matter, slops, suds, or filth of any kind whatsoever, to flow or be cast into any watercourse, waterhole, river, creek, or canal, or shall obstruct or divert from its channel any sewer or watercourse, river, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than one pound, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such watercourse or canal into its proper channel.

Throwing filth on roadway.

66. If any person shall in any street, road, lane, or public place, throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal, in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over or be on any carriage or footway, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any footway, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow or truck, or any cask, or shall wilfully lead, drive, or ride any horse or other beast upon any footway aforesaid, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Damaging or pulling up alignment marks or posts.

67. Any person pulling down or pulling up, destroying, or injuring any alignment or other boundary marks or stones, notice-boards, public notices, or other erection on any reserve, public place, or road, without the authority of the Council, shall forfeit and pay any amount not exceeding ten pounds.

Placing goods, &c., on roadways, &c.

68. If any person shall set or place, or cause or permit to be set or placed, any stall, show-board, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed, any case or vessels in or upon or over any road, footway, or public place, within the said borough, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, dray, barrow, truck, or other carriage upon any footway, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or footways, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other things or matter whatsoever, from any house or premises, over any part of such footways or carriage-ways, or over any area of any house or premises, or any other matter or thing, from and on the outside or any part of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person having, in pursuance of any such requisition as aforesaid, removed, or caused to be removed, any such stalls, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matters or things, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed, the same or any of them, or any other article or thing whatsoever (save and except as aforesaid), in, upon, or over any of the carriage or footways or next unto any streets or roads as aforesaid,—in every such case every person so offending shall forfeit and pay a sum not exceeding forty shillings nor less than ten shillings.

Drawing or trailing timber, &c.

69. If any person shall haul or draw, or cause to be hauled or drawn, upon any part of any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing, which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of such carriage so as to occupy or obstruct the street or road beyond the breadth of the said carriage, every such person so offending shall forfeit and pay for every such offence the sum of forty shillings over and above the damage occasioned thereby; provided that such penalty and damages shall not together exceed the sum of ten pounds.

No turf, gravel, &c., to be removed from streets without leave, &c.

70. Any person who from any part of the road, street, thoroughfares, or public places, shall remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, or public places, or who shall wantonly break up or otherwise damage any part of the said roads, streets, thoroughfares, or public places, shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than five shillings, and for every subsequent offence shall forfeit and pay a sum not less than one pound.

No driver to ride on vehicle without a person to guide his beasts (vehicles with reins excepted) or go to a distance from his vehicle, or drive on wrong sides, &c.—As to driving or riding improperly through streets.

71. If the driver of any waggon, dray, or vehicle of any kind, shall ride upon the same in any street, road, or thoroughfare, not having some person on foot to guide the animals drawing the same (such vehicles as are drawn by horses driven or guided by reins only excepted), or if the driver of any vehicle whatsoever shall wilfully be at such a distance from such vehicle, or in such a situation whilst it shall be passing upon such street, road, or thoroughfare, that he cannot have the direction or government of the horse or horses or cattle drawing the same, or if the driver of any waggon, cart, dray, coach, carriage, or other vehicle, shall not drive on the left or near side of any such road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her on any vehicle under his or her care upon such street, road, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person or vehicle or carriage in or upon the same, every such driver or person so offending shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than ten shillings.

As to driving or riding improperly through streets.

72. Any person who shall ride or drive through any road, street, or public place, negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, or who shall not carry a light upon any vehicle after an hour after sundown to daylight, shall forfeit and pay a sum not exceeding five pounds.

Affixing placards on walls and chalking thereon.

73. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, fence, house, or building, nor to deface any such wall, fence, house, or building, by chalk, paint or in any other manner, unless with the consent of the owner thereof. Any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding forty shillings.

Cattle, &c., not to wander about streets, &c.

74. It shall not be lawful for any person to suffer any kind of cattle, horse, ass, mule, sheep, swine, or goat belonging to him or under his charge to stray, or go about, or to be depastured in any road, street, or public place in this borough; and any person who shall so offend shall forfeit and pay in respect of every such offence a sum not exceeding forty shillings nor less than five shillings.

As to private avenues.—Placing dead animals on premises.

75. Any owner or occupier of any house, place, or land within the said borough who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, or who shall allow stagnant water to become a nuisance on his land, shall, on conviction, forfeit and pay a sum not exceeding forty shillings for every such offence; and upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of, and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Placing dead animals on premises.

76. Any person who shall place, or cause or suffer to be placed, upon any land or premises within the borough any dead animal, blood, offal, night-soil, or any other offensive matter, so as to become a nuisance to the inhabitants thereof, shall, on conviction, suffer and pay a penalty not exceeding five pounds nor less than ten shillings for every such offence.

Allowing dead animals to remain on premises.

77. Any owner or occupier of any land or premises who shall suffer or permit any dead animal, blood, offal, night-soil, or any other offensive matter, to remain upon the said land or premises after notice shall have been given to remove the same shall be subject to a penalty not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Removal of night-soil.

78. It shall not be lawful for any person or persons to drive, or cause to be driven, any cart or carriage of any kind with any night-soil, ammoniacal liquor, slop, urine, or channel dirt or filth, in or upon or near to any of the said streets, roads, or other public places; and in order to prevent nuisances it shall not be lawful for any person to deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house than shall be directed by the said Council or its officer; and all night-soil and other offensive matter shall be removed within the hours hereinafter prescribed, in properly-covered and water-tight carts or other vehicles; and no vehicles used for this purpose shall be allowed to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or its officer; and every person offending against this by-law shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Hours for removing night-soil, &c.

79. If any person shall take away night-soil from any house or premises within the said borough, or shall come with carts or carriages for that purpose, except within the hours of ten at night and five in the morning, or if any person or persons shall cast or permit to leak or slop out of any cart or tub, or otherwise, any night-soil in or near any of the streets or public places, he shall forfeit and pay a penalty of five pounds for every such offence; and in case the person or persons so offending cannot be found, then the owner or owners of such cart, carriage, or other vehicle employed in and about emptying and removing such night-soil, and also the employer or employers of the persons so offending, shall be liable to and forfeit such penalty as aforesaid.

Discharging firearms, &c.

80. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or any other explosive matter in or near to any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than five shillings.

No rock to be blasted without notice to the Council, &c.

81. Any person who shall be desirous of blasting any rock within the distance of one hundred feet of any dwelling-house, street, road, or other public places, shall give forty-eight hours' notice to the Council or any Alderman thereof, who shall appoint a time when the same may take place and give such other directions as they or he may deem necessary for the public safety; and if any person shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him by the said Council, he shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than five shillings.

Openings or cellars beneath footpaths prohibited.

82. It shall not be lawful for any person to make any cellar, or any opening, door, or window, in or beneath the surface of the footway of any road, street, or public place within the said borough, except by permission of the Council; and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds over and above the expenses of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices. Provided that such expense and penalty shall not exceed fifty pounds.

Wells to be covered over, &c.

83. Every person who shall have a well between his dwelling-house or the appurtenances thereof and any public place, road, street, or footway, within the limits of the said borough, or at the side of such public place, road, street, or footway, or in any yard or place open and exposed to such public place, road, or footway, shall cause such well to be securely and permanently closed over; and if any person having such well as aforesaid shall fail to cover and secure the same within forty-eight hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left at such person's usual or last known abode, or at the said premises, in the manner and with such materials as the Council or its officers shall direct, and to their satisfaction, such person shall forfeit and pay a sum not exceeding five shillings every day that such well shall remain open or uncovered contrary to the provisions hereof. Provided that with respect to wells or underground tanks open at the time when this by-law shall come into operation such penalty shall not be recoverable if the same be properly covered in one month thereafter.

Various obstructions and annoyances.

84. Every person who, in any street, or other place, or passage within the said borough, shall commit any of the following offences shall on conviction, for any and every such offence forfeit and pay a penalty of not more than ten pounds:—

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass, or any part of the carcass, of any newly-slaughtered animal without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, or cork, or other offensive substance (garden refuse excepted) to the annoyance of any inhabitant.

Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person in any street or other public place within the said borough.

Any person or persons standing or loitering upon any of the streets, footways, or other public places in the said municipal district, to the inconvenience of the passers-by, or in any way interrupting the traffic, shall discontinue to do so on being required by any officer or servant of the said municipal district, or by any police officer.

Any person who shall, in any street or place within the said municipal district, post, expose to view, or distribute any placard, handbill, or other document whatever of an offensive or indecent character.

Every person or persons who shall persist in playing in a public place any musical instrument or instruments to the annoyance of any ratepayer who may object to it.

Water from roofs, &c.

85. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rain-water to fall from any roof, balcony, or other projection, upon any street, road, lane, or footway, or shall cause or permit any such roof or rain-water to be discharged by any pipe upon any such street, road, lane, or footway, shall, if such nuisance be not abated within seven days after notice to abate the same shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Drains to footpaths.

86. No surface drain shall be made in any footpath, nor any pipes laid under or across the same, without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever; and any person who shall so offend shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Drains for discharge of surface water from land.

87. Every owner or occupier of land so situated that surface or storm water from or upon the same shall overflow, or shall tend naturally, if not otherwise discharged, to overflow any road, lane, or footway, shall within seven days after the service of notice by the Council abate such nuisance where possible; and in default of compliance with any such notice within the period aforesaid such owner or occupier shall forfeit any sum not exceeding five pounds.

Natural watercourses.

88. Any person who shall close or intercept any natural watercourse, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding twenty pounds nor less than one pound.

*Noxious Weeds.**Bathurst burr, &c.*

89. Any occupier or owner of lands within this municipal district allowing any Bathurst burrs or any other noxious weeds to grow in or upon such lands, after receiving due notice from the Council for their destruction, shall neglect to destroy such weeds within twenty-one days after receiving such notice, shall forfeit and pay any sum not exceeding ten pounds nor less than five pounds.

*Preventing and Extinguishing Fires.**Fire or combustible material, &c.*

90. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable article of any kind, in such a manner as to endanger contiguous buildings (except with the consent of the owners and occupiers thereof), shall, on conviction of every such offence, forfeit and pay a penalty of not more than five pounds nor less than one pound, and shall forthwith remove such fire, gunpowder, or combustible or inflammable article; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction shall be deemed guilty of a further offence against this by-law.

*Water Supply.**[Polluting water, reservoirs, &c.]*

91. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management of the Council, or shall wash, cleanse, throw, or cause to enter therein, any animal, whether alive or dead, or any rubbish, filth, or thing of any kind whatsoever, or shall cause or permit to suffer to run or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper liquid; or shall wash any clothes at any public fountain or pump, or in any such stream, reservoir, conduit, or other waterworks as aforesaid, or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall, for the first offence, forfeit and pay any sum not exceeding five pounds; for a second offence any sum not less than one pound nor more than ten pounds; for a third and every subsequent offence any sum not less than five pounds nor more than twenty pounds.

Damming up water without consent.

92. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment in or across any river, creek, or natural watercourse, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than

fifty pounds, and if, after such second conviction, such persons shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time, after a third or any further conviction, he shall fail to remove any such dam or embankment, he shall for every such offence forfeit and pay a sum of fifty pounds.

Supply of water in time of drought.

93. In time of drought or scarcity of water the Council may, by resolution to that effect, cause water to be supplied to the inhabitants of this borough by water-carts or otherwise, and shall, by such resolution as aforesaid, fix a price to be charged for water so supplied.

*General.**Motions for rescission of previous orders, &c.*

94. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed by-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after due notice, as hereinbefore provided, and in due course of law, of any by-law for the repeal or amendment of any other by-law.

Mode of proceeding in cases not provided for.

95. In all cases not herein provided for resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

PART II.*Collection and Enforcement of Rates.*

Rates under Section 164 of the 31st Victoria No. 12 to be collected half-yearly.

Times and modes of collection.

1. All rates levied or imposed by the Council under the provision of section 164 of the Municipalities Act of 1867, and for the purpose mentioned in the said section, shall be collected by half-yearly instalments. Each such instalment shall, as to every such rate and every such instalment thereof, be held to be due and payable on and after such days as the Council shall, by resolution, appoint at the time of making or imposing such rate.

Special rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days, as the Council may, by resolution, at the time of making or imposing of such rates, or any of them, have appointed.

Office-hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

*Bailiff.**Bailiff's sureties.*

4. The Bailiff shall be appointed by resolution of the Council, and shall be, at any time, removable by a like resolution, and shall find two sureties of £25 each for the faithful discharge of the duties of his office.

*Levy and Distress.**Warrant of distress.*

5. The Bailiff shall make all levies and distress, under warrant signed by the Mayor, in the form of Schedule marked A hereunto annexed, and shall be paid for every such entry and levy made under these by-laws the fees as per Schedule C annexed hereto.

Distress and sale, &c.

6. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods as distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said borough as the Bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

7. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after such distress.

Goods may be impounded.

8. The Bailiff, on making a distress as aforesaid, may impound or secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days, as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy and in order to carry off and remove the same, on account of the purchaser thereof.

Owner to direct order of sale.

9. The owner of any goods or chattels so distrained upon may at his or her option direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

10. The Bailiff shall hand over to the Council Clerk all proceeds of every distress within forty-eight hours after having received the same.

Costs.

11. There shall be payable to the Bailiff, for the use of the Council, for every levy and distress made under this by-law, the cost and charges in the Schedule hereunto annexed marked C.

Deputy.

12. The Bailiff may, with the sanction in writing of the Mayor, or, in his absence, with the sanction of any two Aldermen of the municipality, authorize, by writing under his hand, any person to act temporarily as his deputy; and the person so authorized shall have the exercise of all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be responsible for the acts of such deputy.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipal Borough of _____ do hereby authorize you, _____, Bailiff of the said Borough, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situated at _____, for _____, being the amount of rates due to the said Borough, to the _____ day of _____, for the said dwelling-house (or land or premises, as the case may be) and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day _____, 18 ____ .
Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal Borough of _____, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Borough, for _____, being the amount of rates due to the said Borough to the _____ day of _____, 18 ____ .

Dated this _____ day of _____, 18 ____ .
Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20	2	0
Above that sum in addition for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day, or part of day	5	0
For sale, in commission, and delivery of goods, per £ on proceeds of the sale	1	0

Passed by the Municipal Council of the District of Gundagai, this twenty-seventh day of June, in the year of our Lord one thousand eight hundred and ninety.

(L.S.) WILLIAM BIBO,
Mayor.

WILLIAM MATCHETT,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF TENTERFIELD—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 21st August, 1890.

MUNICIPAL DISTRICT OF TENTERFIELD.—BY-LAWS.

THE following amended By-laws, under the "Municipalities Act of 1867," made by the Council of the Municipal District of Tenterfield, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

AMENDED BY-LAWS OF THE MUNICIPAL DISTRICT OF
TENTERFIELD.

BY-LAWS Nos. 64, 127, and 128, published on the 29th day of May, 1888, are hereby repealed.

By-law in lieu of No. 127, repealed.

127. For carts, drays, waggons, &c., plying for hire within the Municipality of Tenterfield:—That from and after the passing of this By-law, any person who shall be desirous to ply with any car, cab, or other vehicle, or with any cart, dray, or waggon for hire or reward, or to draw or to carry with any cart, dray, or waggon, any wood, water, butcher's meat, bread, dairy farm or other produce, bricks, stone, or any building materials, or any merchandise or other property whatsoever for hire or reward within the said Municipality, shall, on being approved of by the Mayor, register his name and place of abode in the office of the Council Clerk, and shall thereupon, and from time to time thereafter, on payment by him of the rate according to the scale hereinafter mentioned, receive from the Council Clerk a license, on which shall be written his name, place of abode, and number of vehicle so approved; and if any person shall ply with any car, cab, or other vehicle, or with any cart, dray, or waggon without being so licensed, or shall cause or procure any person to ply not being so licensed, within the said Municipality, or if any person shall draw or carry any wood or water with any cart, dray, or waggon for the supply of the inhabitants of the said Municipality without being so licensed, he shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound. The following is the scale of fees for licenses above mentioned:—

	£	s.	d.
For every four-wheeled waggon, an annual sum of	2	0	0
For every bullock dray, an annual sum of	1	10	0
For every car, cab, dray, water cart, or light cart, an annual sum of	1	0	0

Payable on the first day of January in each year: Provided such licenses may be issued for a term of three months at one-fourth of the rate of the annual licensing fee, to take effect from the

first day of January, the first day of April, the first day of July, and the first day of October, and may be issued at any date during the year but subject to such quarterly term.

By-law No. 64, in lieu of No. 64, repealed.

No person shall be allowed to obstruct any road, street, or public thoroughfare within the Municipality by building materials, drays, carts, or anything calculated to obstruct or hinder free passage, without the sanction of the Council in writing; and no person shall be allowed to leave water-holes or excavations for cellars or other purposes unfenced, or in such a manner as to be dangerous to passers-by, but shall erect such a fence around the same to protect the public against any possible harm as the Council may direct, within seven days of being notified by the Council.

By-law No. 151.—Blasting Rock.

Any person who shall be desirous of blasting any rock within one hundred yards of any street, or public place, or dwelling-house in the said Municipality, shall give notice in writing twenty-four hours previously to the Mayor, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast, or cause to be blasted, any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the Mayor, he or she shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Made and passed by the Municipal Council of Tenterfield,
this 16th day of June, 1890.

GEO. KENNEDY,
Council Clerk.

(L.S.) W. REID,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BOWRAL—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 25th August, 1890.

MUNICIPAL DISTRICT OF BOWRAL.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Bowral, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS of the Bowral Municipal Council for the Licensing of Vehicles, &c.

1. All carriers and owners of vehicles plying or carrying passengers or goods for hire or reward within the said Municipality, shall have their vehicles licensed by the Council, and the owners shall have their names painted in legible letters, with the word "Licensed" on some conspicuous part of such vehicles respectively. The license fee shall be at the rate of two shillings and six pence per wheel, and be in force until the 31st December each year. And every person driving any unlicensed vehicle with passengers, goods, or loading of any description for hire or reward, or who shall omit or fail to comply with the provisions of this By-law, shall forfeit a sum not exceeding forty shillings.

2. No person shall act as the driver or the conductor of any such vehicle within the Municipality of Bowral unless licensed in the manner hereinafter described, and paying the fee for such license as provided for in Schedule D.

3. Before any license for plying a vehicle or to drive or conduct the same shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, requisition in form of Schedule I hereto, or to the like effect, and shall duly fill up and sign the same, and deliver it to the Council Clerk.

4. No license shall be granted in respect of any vehicle which, in the opinion of the Mayor and By-law Committee, shall be unsafe, or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers.

5. Licenses for proprietors and drivers of vehicles shall be in form of Schedule H hereto, or to the like effect.

6. When a licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be hereby specified by endorsement on the license under the hand of the Council Clerk.

7. No license shall be granted to any person to drive any vehicle unless he be sixteen years of age or over.

8. All licenses shall be made out by the Council Clerk, and numbered consecutively.

9. No proprietor shall be at liberty to part with or lend his license, nor to part with his licensed vehicle to any person without the knowledge and approval of the Mayor and By-law Committee, and the registry of the name of the purchaser in the books of the Council.

10. The person or persons in whose name or names a license shall appear to have been obtained shall be deemed the owner of the vehicle in respect of which the same shall have been taken out.

11. The Mayor and By-law Committee may revoke any license to the proprietor or driver of any vehicle granted under this part of these By-laws whenever they shall think fit. Provided, however, such proprietor or driver shall have an opportunity to show cause against such revocation.

12. The Mayor and By-law Committee shall as often as they may deem it necessary cause an inspection to be made of all licensed vehicles, or of any such vehicles and of the harness and horse or horses used in drawing the same; and if any such vehicle, horse or horses, or harness, shall at any time be found by them unfit for public use, notice of the same shall be given by the Inspector of Vehicles to the proprietor of such vehicle, and if after such notice he shall use or let to hire such vehicle, or suffer the same to be used and let until the same or the harness, or horse or horses used in drawing the same as the case may require, shall be in a fit condition for public use, the said Committee may suspend, for such time as they may deem proper, the license of such vehicle; and in case any person shall neglect or refuse to attend with his licensed vehicle before the said Committees, when called upon for the purpose of having the same inspected, the said Committee may suspend the license of such vehicle.

13. The number of the license granted for every omnibus or car, in figures not less than three inches in height, and for every carriage or cab, in figures not less than two inches in height, white upon a black ground, shall be painted outside on the panel of the door of such vehicles, or on a plate or plates affixed thereon.

14. No omnibus shall ply for hire within the said Municipality unless there shall be painted the number of the license of such vehicle, and the numbers of persons such vehicle is licensed to carry according to these By-laws in words at length, in the following form, that is to say,—licensed to carry inside, and outside.

15. Any person having taken his or her seat in any licensed vehicle, and not paying the fare when demanded at the beginning of the ride, shall on conviction forfeit and pay to the owner or driver of such omnibus or car, such amount of over damages, cost, and expenses for loss of time or otherwise, as the convicting Justices shall in their discretion think proper.

16. Every driver, whilst engaged in taking up or setting down any passenger, shall, during such taking up and setting down, place his vehicle as near as conveniently may be to that side of the street and at a line with the kerbstone or edge of the footpath at which the taking up or setting down is required.

17. The driver of every licensed vehicle shall be constantly attendant upon the same when standing, or whilst plying or engaged for hire.

18. Every licensed vehicle plying or engaged after sunset shall be provided with a light on each side, and shall keep the same lighted until sunrise, if so long plying or engaged.

19. The owner of every licensed vehicle, at the time of obtaining the license for the same, and every driver of any such vehicle at the time of registering his license, shall, without any charge, have a printed copy of this part of these By-laws delivered to him, certified by the signature of the Council Clerk.

20. Such person or persons as may from time to time be on that behalf appointed by the Council, shall be Inspector or Inspectors, during the pleasure of the said Council, of all licensed vehicles plying for hire within the Municipality, and such Inspector or Inspectors shall every three months examine all such vehicles and report to the Mayor and By-law Committee, and shall at all times see that, as far as possible, these By-laws are duly observed.

21. No person suffering from any infectious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry or permit to be carried any such person, or (except to some police office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself or otherwise so misbehaving as to occasion any annoyance, or to disturb the public peace; and no passenger shall carry on any licensed passenger-carrying vehicle any animal or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any licensed vehicle, or use the same for eating his meals therein.

22. All hackney carriages and cabs carrying passengers shall (except when turning street corners, or going over crossings) proceed at a speed of not less than six miles an hour, unless when attending funerals, or when otherwise ordered by the hirer.

23. The driver of any licensed vehicle shall not stand or loiter at any place in any public street within the said Municipality, excepting he be bona fide waiting for a passenger.

24. The Council may, by resolution from time to time, as they may deem necessary, fix stands for all licensed vehicles.

25. The fares payable by persons hiring licensed vehicles shall be those provided for in Schedule E hereto annexed.

26. The fees payable by persons hiring van or dray shall be those provided for in Schedule F hereto annexed.

27. Copies of Schedule E shall be placed in each licensed vehicle by the proprietors thereof, in such a position as to be easily seen by passengers.

28. No licensed vehicle shall be drawn past a place of public worship on Sundays, during Divine service, at a quicker pace than a walk.

29. For every offence against the provisions of this part of these By-laws to which no specific penalty has been attached herein, the offender shall pay a penalty not exceeding ten pounds nor less than five shillings.

30. Whenever the word "vehicle" shall be used in this part of these By-laws the same shall be understood to apply to either an omnibus, car, hackney carriage, or cab; and an omnibus shall be meant to be a vehicle upon four wheels, drawn by one or more horses; and a car is a vehicle upon two wheels, drawn by one horse, and for which omnibus licenses have been taken out; and a hackney carriage shall mean a vehicle upon four wheels, drawn by two or more horses, and a cab, a vehicle upon two wheels for which hackney carriage licenses have been taken out.

SCHEDULE D.

Table of Licensed Fees payable by Drivers of Licensed Vehicles.

	s. d.
For every driver's license for a vehicle to carry passengers	5 0
For every conductor's license for a vehicle to carry passengers	5 0

SCHEDULE E.

Rates and Fares to be paid for any Hackney Carriages and Cabs within the Municipality of Bowral.

	s. d.
For a cab for any time not exceeding one quarter-of-an-hour, to carry one or two passengers if required by hirer	1 0
For every subsequent quarter-of-an-hour or part thereof	1 0
But if engaged for more than one hour, then to be paid at the rate of nine pence for every additional quarter-of-an-hour or part thereof.	
For a hackney-carriage for any time not exceeding one half-hour, to carry five persons if required by the hirer	2 6
For every subsequent quarter-of-an-hour or part thereof	1 3
But if engaged for more than one hour, then the fare to be paid at the rate of one shilling and three pence for every additional quarter-of-an-hour or part thereof.	
Every passenger by omnibus shall pay one shilling for the first quarter-of-an-hour, and a shilling for every additional quarter-of-an-hour or part thereof.	
Each passenger travelling by a cab, carriage, or omnibus is allowed 50lb. of luggage, every 50lb. or part of 50lb. additional to be charged one shilling.	

SCHEDULE F.

Any van or dray used for the removal of household furniture shall be paid as follows:—

	s. d.
For the first hour or part thereof	2 6
For every additional half-hour or part thereof	1 6

SCHEDULE H.

Form of License for Proprietors and Drivers.

THIS is to certify that _____ is hereby licensed to No. _____ within the Municipality of Bowral, from the date hereof to the thirty-first day of December next, subject nevertheless to all and every the by-laws, rules, and regulations in force relating thereto.

Given under our hands, at Bowral, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Build.	Name.
Colour.	Stand.
Lining.	Line of Road.
Licensed to carry _____	inside passengers and _____ outside.
	Mayor. Council Clerk.

SCHEDULE I.

A Requisition for License.

To the Council Clerk of the Municipality of Bowral.

I, _____ residing in _____ street, within the Municipality of Bowral, do hereby request that a license may be granted to me _____ within the limits of the said Municipality.

Dated at Bowral, this _____ day of _____, A.D. 189 _____.

We certify that _____ is above the age of sixteen, of good character, and capable of driving.

Passed and adopted by the Council of the Municipal District of Bowral, on the twenty-second day of May, one thousand eight hundred and ninety, as By-laws for the said Municipal District for licensing vehicles, &c.

Town Hall, Bowral, (L.S.) J. L. CAMPBELL,
WILL. L. HOWARTH, Mayor.
Council Clerk.

Seal has been affixed by order of the Council in the presence of,—

J. L. CAMPBELL,
WILL. L. HOWARTH, Mayor.
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BINGARA—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 21st August, 1890.

MUNICIPAL DISTRICT OF BINGARA.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Bingara, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BINGARA MUNICIPALITY BY-LAWS.

PART I.

PROCEEDINGS of the Council and Committee, Duties of Officers and Servants, and preservation of order at Council meetings.

Meetings of the Council.

Ordinary meetings.

1. Unless otherwise ordered, the Council shall meet for despatch of business on every alternate Monday, at the hour of 7:30 p.m., unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

Adjournment for want of a quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of thirty minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the Minute Book.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Reports from Committees and minutes from the Mayor (if any) to be presented and orders made thereon.
3. Correspondence to be read, and order made thereon, if expedient.
4. Petitions (if any) to be read and dealt with.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of the Committees or Officers to be made.

6. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.

7. Orders of the day to be disposed of as they stand on the business paper: Provided that it shall be competent to the Council at any time by resolution without notice to entertain any particular motion or to deal with any particular matter of business out of its regular order on the business paper, without any formal suspension of this section; and also, in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and confirmed, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or Aldermen at whose instance the special meeting shall be called may have directed.

Business papers for ordinary meetings—how prepared.

5. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk not less than one, or more than four days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting, which he shall have received or shall have been required or directed so to enter in due course of law—and as hereinafter provided. Every such entry shall be made (subject to the provision of Section IV, of this "Part" of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Summons to members.

6. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business papers shall be disposed of

7. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with. And each business paper so noted shall be a record of the Council.

Notices of motion, &c., to be numbered as received and preserved until disposed of, unless withdrawn before the business paper is made up.

8. All notices of motion and all requisitions from Aldermen and directions from the Mayor as to the entry of any particular matter of business for the consideration of the Council at the then next or any future meeting, shall be numbered by the Council Clerk as they are received each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the Minute Book of the manner in which such matter has been so disposed of shall have been duly verified, as required by Section IV, of this "Part" of the By-laws. Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk, shall be at liberty to withdraw the same at any time before the making up of such business paper.

Motions and amendments.

Motions—how to be moved.

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

10. No motion, of which notice shall have been entered on the business paper, shall be proceeded with in the absence of the Alderman by whom such notice shall have been given unless by some other Alderman producing a written authority for that purpose from such first named Alderman.

Motions to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Motions to be in writing and not withdrawn without leave.

12. Every notice of motion shall be in writing, dated and signed by the Alderman proposing the same, and no motion shall be withdrawn without leave of the Council. No motion, the effect of which, if carried, would be to rescind any motion which has already been passed by the Council, shall be entered upon the business paper unless a call of the whole Council has been duly made, and granted for that purpose.

Amendment may be moved.

13. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Only one amendment at a time.

14. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Requisition by an Alderman.

15. Every requisition by an Alderman that any particular matter of business be brought before the Council shall be regarded and treated as a notice of motion by such Alderman, and such business be taken into consideration by the Council.

Aldermen presenting petitions to make themselves acquainted with the contents.

16. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting same.

Petitions and correspondence.

17. The Council may at any meeting resolve without previous notice, that any petition be received, and that the same or any correspondence read be referred to a Committee to report, or that the requests contained therein be granted.

Mayor to preserve order.

18. The Mayor or Chairman shall preserve order, and may at any time call to order any Alderman who may appear to him to be out of order.

Calls to order.

19. Any Alderman may at any time call the attention of the Mayor or Chairman to any Alderman being out of order, or to any point of order.

Mayor's decision of points of order to be final.

20. Every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided.

Power of Council as to laying down general rules, &c

21. Any alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion on notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar question or order or of practice which may hereinafter arise. Any rule or principle thus laid down shall be binding on all parties unless, and until it be rescinded, but shall have no retrospective operation.

Mayor may take part in proceedings.

22. The Mayor may take part in all proceedings of the Council or Committees thereof.

Questions put by the Mayor.

23. The Mayor shall put all questions, first in the affirmative, and then in the negative (provided that where an amendment is moved to any motion, the amendment shall be first put) and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to pre-audience of Aldermen.

24. If two or more Aldermen rise to speak at the same time the Mayor shall decide which of them shall be entitled to pre-audience.

Aldermen to stand while speaking.

25. Every Alderman shall stand while speaking, and shall address the chair.

No Alderman to speak twice on the same question or amendment except in Committees.

26. No Alderman shall speak twice on the same question unless in Committee, or in explanation, where he shall have been misrepresented or misunderstood: Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall always have a right of final reply.

No Alderman to make personal reflection.

27. No Alderman shall digress from the matter under discussion or make personal reflections on, or impute motives to any other Alderman, or speak on any question more than fifteen minutes.

Aldermen using offensive expression to apologize.

28. When any member of the Council shall make use of any language or expression offensive, or capable of being applied offensively to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council.

Debate may be adjourned.

29. A debate may be adjourned to a later hour of the same day, or to another day.

Aldermen adjourning debate entitled to precedence on resumption.

30. The Alderman upon whose motion any debate shall be adjourned shall be entitled to precedence on resumption of the debate.

Adjournments.

31. Any motion for adjournment, if seconded, shall be immediately put without discussion, but if such motion be negatived, it shall not be competent for any Alderman to make a similar motion until thirty minutes shall have elapsed.

Any Alderman may divide Council.

32. It shall be competent for any Alderman to divide the Council on any question, both in full Council and in Committee of the whole Council; and no Alderman shall leave his seat or place till the name of the Alderman, and how voting, shall have been taken down by the Council Clerk, or persons officiating for him.

Divisions to be entered on minutes.

33. All divisions of the Council shall be entered on the minutes of the proceedings.

Questions to be read when required.

34. Any Alderman may require the question or matter under discussion to be read once for his information, and upon such request the question or matter under discussion shall be read.

Suspension of By-laws.

35. Any of these By-laws relating to or affecting proceedings at meetings of Council, may be suspended *pro tempore* in cases of emergency by resolution of the Council.

Mode of proceeding in cases not provided for.

36. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Standing Committees.

37. There shall be an Improvement Committee and a Finance Committee. These Committees shall be reappointed every year after the first meeting of the Council, which shall be holden after the election of Mayor.

Improvement Committee.

38. The Improvement Committee shall have the general direction of all roads, ways, bridges, public reserves, and other places under the care and management of the Council. They shall also require and report from time to time upon such improvements, repairs, or other matters as they think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Finance Committee.

39. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed, by resolution of the Council, to inquire into and report upon.

Special Committees.

40. Special Committees may consist of any number of members, and may be appointed for the performance of any duty, which may be lawfully entrusted to a Committee, and for which in the opinion of the Council a special Committee ought to be appointed, and no Standing Committee shall interfere with the performance of any duty which may for the time have been intrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be intrusted to such Special Committees. The mover of any such resolution may name therein any such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consists of a certain number of member, to be appointed by ballot; or an amendment to the effect that such Special Committee be appointed by ballot, may be carried.

Rules to be observed in Committees.

41. The rules of the Council shall be observed in a Committee of the whole Council, except the rule limiting the number of times of speaking.

Reports of Committee to be signed.

42. Every report of a Committee shall be signed by the Chairman thereof.

Protection of Funds and Records.

Member or Officer of Council not to be surety.

43. In cases where surety is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Duties of the Council Clerk.

44. The Council Clerk shall attend at the office of the Council for the purpose of receiving payment of rates and transacting the ordinary business of the Council, at such time and place as may be determined by the Council from time to time.

45. The Council Clerk, in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of Revision Courts held in the Municipality under the provisions of the said Municipalities Act; he shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council; he shall generally assist the Mayor in carrying out the orders of the Council, and the duties of such Mayor.

Custody of records, seal, &c.

46. The common seal, and all charters, books, papers, and records of the Council, shall be kept in the Council Chambers, or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose, and the common seal shall not be used except with the signature of the Mayor.

Bonds for good conduct and deeds of real and personal estate.

47. All bonds given by officers or servants of the Council for the faithful performance of their duties, and deeds of real and personal estate, shall be deposited with the bankers of the Corporation, as the Council may order, and no officer or servant of the Council shall be received as surety for any such officer or servant.

Records, &c., not to be defaced or altered.

48. Any person who shall deface, alter, or destroy, or attempt to deface, alter, or destroy any such common seal, charter, deed, muniment book, paper, or record shall, on conviction thereof, forfeit and pay for the first offence a penalty not exceeding fifty pounds nor less than five pounds; and upon every subsequent conviction a penalty of not less than twenty pounds.

Nor remove.

49. Any person who shall remove or attempt to remove (except for the purpose of any legal proceedings) any such seal charter, deed, muniment, book, paper, or record from the Council Chambers, without leave from the Council, first had and obtained, shall, on conviction thereof, forfeit and pay a penalty of not more than twenty pounds nor less than two pounds, and for every subsequent offence a penalty of not less than five pounds nor more than fifty pounds.

Expenses of proposed works to be first ascertained—Accounts to be examined by Finance Committee.

50. No work shall be undertaken until the probable expense thereof shall have been ascertained by the Council; and all accounts to be paid by the Council shall be examined by the Finance Committee, and reported on by them before any warrant shall be issued for the payment thereof.

Outlay in urgent cases.

51. In cases of emergency arising between meetings of the Council it shall be lawful for necessary work to be ordered without vote of the Council, viz., by the Mayor, to the extent of ten pounds (£10): Provided that in the absence of the Mayor any four Aldermen shall have that power.

Duties of other officers and servants.

52. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time be moved by the Council.

Special power of Mayor.

53. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or any information by any such officer or servant, as he may think necessary, unless such return or statement shall have already been prepared or such explanation or information already given, and such return, statement, explanation, or information is on record, as hereinbefore provided, or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information; all such returns or statements as aforesaid shall be in writing, and shall be recorded; all such explanation or information may, except as hereinafter provided, be either recorded *viva voce* or put into writing as the Mayor may direct.

Statement of accounts.

54. Not later than the months of March and September in each year the Mayor shall lay before the Council for its adoption the Treasurer's account for the previous half year duly audited; but should any Auditor not attend for the purpose of auditing the account when required by authority of the Mayor to do so, or refuse to certify to the correctness of the account, unless he can prove to the satisfaction of the Council that the account is incorrect, he shall pay a fine of ten (10) pounds to be recovered in a summary way before any two Justices of the Peace, the said fine to be carried to the credit of the Municipal funds.

How complaints against officers, &c., are to be dealt with.

55. All complaints against officers or servants of the Corporation must be in writing and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who immediately upon the receipt of any such complaint, and without laying the same before the Council shall have power to investigate the same, and if any such complaint be made to the Council, or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaints shall be in writing; and such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaints, with all reports, explanations, and information as aforesaid in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided further that nothing herein contained shall be held to affect in any way the special power conferred on the Mayor by Section 152 of the Municipalities Act of 1867, or any other special power which now is, or hereinafter may be, conferred by statute upon such Mayor.

Leave of absence.

56. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council adopted after due notice.

Mode of calling for tenders.

57. Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such work, or the supply of such material, shall be called for by public notice as hereinafter provided.

Suits and prosecutions for penalties, &c.

58. Such suits or information for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:— When against a member of the Council, or an Auditor, or any officer of the Corporation, by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose. When against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or by the By-law Committee, or the Mayor, as the case may be, on directing such suit or information. And no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor except by order of such Council, nor shall any similar proceedings be taken against any officer of the Council except on the order of such Council, or by the Mayor, nor against any other person except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where on the trial or hearing of any such suit or information the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

How notices are to be published.

59. In all cases where public notice is or shall be required to be given by any By-law such notice shall be given and published by advertising the same in some newspaper circulating in the Municipality.

Rates when due and payable.

60. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall by resolution, without any notice of motion, from time to time appoint.

Council Clerk to furnish list of defaulters.

61. It shall be the duty of the Council Clerk to furnish the Mayor and Council, or any Committee as directed, with list of persons so in default.

Mayor to enforce payment.

62. It shall be the duty of the Mayor to cause such defaulters to be sued for the amount of such rates in any Court of competent jurisdiction, or to issue distress warrants against all such persons, and to cause such warrants to be enforced.

Enforcement of Distress.

63. The bailiff shall be appointed by resolution of the said Council, and shall be at any time removable by a like resolution.

64. The bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of fifty pounds sterling each, for the faithful performance of his duties.

65. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates, in the manner hereinafter provided.

66. All levies and distresses shall be made under warrant, in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

67. If the sum for which any distress shall have been made shall not be paid, with costs, as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the Municipality as the said bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

68. At the time of making a distress the bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress was made; and the Bailiff shall give a copy of the inventory to the ratepayer, on demand, at any time within one month after making such distress,

SCHEDULE A.

Warrant of Distress.

I, Mayor of the Municipal District of Bingara, do hereby authorize you, bailiff of the said Municipal District, to distrain the goods and chattels in the dwelling-house, or in or upon the land and premises of situate at for the sum of being the amount of Municipal rates due to the said Municipal District to the day of for the said dwelling-house, land, or premises (as the case may be), and to proceed thereon for the recovery of the said rates according to law.

Dated this day of 18 .

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant, under the hand of the Mayor of the Municipal District of Bingara, dated, distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of situate at, within the said Municipal District, for the sum of, being the amount of the rates due to the said Municipal District, to the day of, 18

Dated this day of 18 .

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant, and making everywhere the same, is not more than £20	2	0
Above that sum, in addition, for every £10	1	0
For making and furnishing copy of inventory	2	0
For man in possession each day, or part of day	5	0
For sale, commission, and delivery of goods per pound on proceed of sale	1	0

Streets and Public Places.

New roads to be reported upon.

69. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council, until after such road, way, park, or street shall have been examined by a committee of works, and reported upon to the Council by such Committee.

Plans of proposed new road, &c., to be deposited.

70. Whenever any proprietor or proprietors of land within the said municipal district shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place; he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, park, or other place as aforesaid. And he or they shall execute any instrument, dedicating such road, street, way, park, or other place, as the Council may consider necessary.

Roads and streets, and encroachments thereon, &c.

71. The Surveyor of the municipal district, or other officer, or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes and thoroughfares, and the carriage and footways thereof, which now are or shall hereafter be under, or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes and thoroughfares, recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfares in question shall have been sold or let; and it shall be the duty of such surveyor or officer to place posts at the corner or intersections of such streets, roads, lanes, and thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way; and 12 feet for the footway on each side; where the road, lane, street, or thoroughfare, or other place of other width than 66 feet; provided that there shall be no change of level, in any such public road, street, lane, or thoroughfare, or public place, until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further that this By-law shall be read, subject in all respects to "The Width of Streets and Lands Act of 1881."

Change of street levels

72. Whenever it may be deemed necessary to alter any such public road, street, or way as aforesaid; the Committee for Works shall cause a plan and section, showing the proposed alteration to be exhibited at the Council Chambers for fourteen

days, for the information and inspection of ratepayers; and shall notify by advertisement in some newspaper circulating in the Municipal District, that such plan is so open to inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman, and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk; and such plan and section so signed and countersigned, shall be a record of the Council.

Footways may be levelled.

73. When any footway shall have been marked out in manner hereinbefore directed, the surveyor, or such officer or persons so authorized as hereinbefore mentioned, may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination; and for this purpose may remove any flagging, steps or other matter, thing, or obstruction that may injure or obstruct the said footway, or render it unequal, or inconvenient; and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

Temporary stoppage of traffic for repairs.

74. The Mayor may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds nor less than two pounds for every such offence.

No encroachments allowed on streets, &c.

75. Whenever any road, street, or lane has been marked out in manner herein provided, no house, shop, fence, or other structure shall, except as hereinafter mentioned, be allowed to project or encroach on any part thereof. And it shall not be lawful for any person to erect or put up any building, erection, obstruction, fence, or enclosure, or to make any excavation, hole, or opening, in under, or upon, or near to any such road, street, lane, or thoroughfare, unless the consent of the Council, or Mayor, has been obtained to the erecting or making of such building, erection, obstruction, fence or enclosure, excavation hole, or opening, as aforesaid; and every person offending against this By-law shall forfeit and pay for the first offence a sum not exceeding five pounds nor less than two pounds, and for every subsequent offence a sum not exceeding ten pounds nor less than three pounds.

76. If the owner or occupier of any land situated on the side of any street or road in this Municipal district, shall permit any tree, shrub or plant kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and on demand of the Council, shall not cut, lop, or cause to be lopped, all such trees, shrubs or plants, to the height of eight feet at the least, the said Council, by their servants, labourers, and workmen, may cut, or cause to be cut or lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants, or shrubs, so cut or lopped without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen, in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867. Every person so offending shall, on conviction of every such offence, forfeit and pay any sum not exceeding ten pounds.

No balcony &c., to project.

77. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, or window forming part of, or attached to, any external wall, to project beyond the building line of any street or road, except with the consent of the Council first obtained; nor shall any balcony, or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding twenty pounds nor less than five pounds, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony, shall be permitted to be erected in any street less than thirty feet wide: provided also that any person desiring to erect any such structure shall submit a plan for the approval of the Council.

Encroachments must be removed on notice.

78. The Surveyor, or other such officer or person, may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building fence, or other obstruction or encroachment, in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall in this case be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroaching structure belongs, or who has erected the same, or caused it to be erected,

Council may remove encroachments.

79. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within thirty days, it shall be lawful for the Council to direct the removal of the same under the superintendence of its own proper officer and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option, to proceed against the offender for breach of By-law, the penalty not to exceed twenty-five pounds nor be less than five pounds, and in case of every successive offence the penalty, on conviction, not to be less than five pounds.

Or may proceed by action.

80. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment, or to proceed as for a breach of such By-law as aforesaid.

To apply also to obstructions by digging, &c.

81. The foregoing provisions shall be equally applicable to obstructions by digging or excavation; and any person who shall wilfully obstruct or interfere with the Surveyor, or other officer as aforesaid, or any person acting for or under him, or either of them in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer, shall, on conviction, forfeit and pay a penalty of not more than twenty pounds nor less than two pounds.

Offences, Nuisances--General Good Order of the Municipal District.

Injuring or extinguishing lamps.

82. Any person who shall wantonly or maliciously break or injure any lamp or lamp post, or extinguish any lamp set up for public convenience in the said Municipal District shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence a sum not more than two pounds nor less than ten shillings.

Damaging trees.

83. Any person who shall wilfully, or without the authority of the Council, cut, break, bark, or root up or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any street or place under the management of the Council, or in or upon any public reserve, or park, shall forfeit a sum not exceeding ten pounds, or less than two pounds.

Throwing dead animals, &c., into any water-course, &c.

84. Any person who shall throw or cast filth, rubbish, or any dead animal, or any animals with intent to drown the same, into any water-course, waterhole, creek, or canal, or who shall permit or suffer slops, suds, night-soil, sewage matter or filth of any kind to flow or be cast from his or her premises into any such water-course, waterhole, creek, or canal, or who shall permit or suffer any slops, suds, night-soil, sewage matter or filth to flow from his or her premises over any of the footways or streets of the Municipal District, or shall permit, or cause by means of pipes, shoots, channels, or other contrivances, night-soil, sewage matter, slops, suds or filth of any kind whatsoever to flow or be cast in any water-course, waterhole, creek, or canal, or who shall obstruct, or divert from its channel, any sewer: or water-course, creek or canal, shall forfeit any sum not exceeding five (5) pounds nor less than one pound, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such water-course or canal into its proper channel.

Throwing filth on roadway, &c.

85. If any person shall, in any street, road, lane or public place, throw, cast or lay, or shall cause, permit or suffer to be thrown, cast, or laid, any ashes, rubbish, offal, dung, soil, dead animal, blood or other filth, or shall slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb or other animal, in or so near to any of the said streets or roads as that any blood or filth shall run, or flow upon or over, or be on any carriage or footway, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any footway any waggon, cart, dray, sledge, or other carriage on any wheelbarrow, truck, or any cask, or shall wilfully lead, drive, or ride any horse, or other beast upon any footway aforesaid, shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Placing goods, &c., on roadway, &c.

86. If any person shall set or place, or cause or permit to be set or placed, any stall, showboard, basket, or goods of any kind whatsoever, or shall hoop, place, wash or cleanse, or cause to be hooped, washed, placed or cleansed any cask or vessel in or upon or over any road, footway, or public place within the said Municipal District, or shall set out, lay or place, or shall cause or procure, permit, or suffer

to be set out, laid, or placed any coach, cart, dray, barrow, truck, or other carriage upon any footway, or if any person shall set or place, or cause to be set or placed in, upon, or over any of the said carriage or footways, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinafter provided), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed any meat or offal, or other things or matter whatsoever from any house or premises over any part of such footways or carriage ways, or over any area of any house or premises, or any other matter or thing from and on the outside of any part of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matter or things being thereto required by the Council or any officer thereof, and shall not continue and keep the same so removed; or if any person, having in pursuance of any such requisition as aforesaid removed, or caused to be removed, any such stall, showboard, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed, the same, or any of them, or any other article or thing whatsoever (save and except as aforesaid) in, upon, or over any carriage ways or footways of or next into any streets or roads as aforesaid;— in every such case every person so offending shall forfeit a sum not exceeding two pounds nor less than five shillings.

Drawing or trailing timber, &c.

87. If any person shall haul or draw, or cause to be hauled or drawn upon any part of any street, road, or public place, any timber, stone, or other thing otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriage-way so as to occupy or obstruct the road or street beyond the breadth of such carriage, every such person so offending shall forfeit and pay for every such offence the sum of two pounds over and above the damages occasioned thereby: Provided that such penalty and damages shall not together exceed the sum of five pounds nor less than one pound.

No turf, gravel, &c., to be removed from streets without leave, &c.

88. Any person who from any part of the roads, streets, thoroughfares, or public places, shall remove, or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material without leave first had and obtained from the officers or persons having lawful charge of such roads, streets, thoroughfares, or public places, or who shall wantonly break or otherwise damage a part of the said roads, streets, thoroughfares, or public places, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than five shillings, and for every subsequent offence shall forfeit and pay a sum of not less than one pound.

No driver to ride on vehicle without a person to guide his beasts (vehicles with reins excepted), or go to a distance from his vehicle, or drive on wrong side, &c.

89. If the driver of any waggon, cart, dray, or vehicle of any kind shall ride upon the same in any street, road, or thoroughfare, not having some person on foot to guide his horses or animals during the same (such vehicles as are drawn by horses driven or guided with reins only excepted) or if the driver of any carriage or vehicle whatsoever shall wilfully be at such a distance from such carriage or vehicle, or in such a situation, whilst it shall be passing upon such street, road, or thoroughfare, that he cannot have the direction or government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, coach, or other vehicle, shall not drive on the left or near side of any such road or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any vehicle under his or her care, upon such road, street, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, or vehicle, or carriage, in or upon the same, every such driver or person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than two shillings and sixpence.

Name and place of abode

90. The owner of every such waggon, cart, dray, or vehicle of any kind as last above mentioned who shall allow the same to be driven through the said Municipal District of Bingara without having his name and place of abode painted in full length, on the off side legibly, the driver or person in charge of such waggon, cart, or dray as aforesaid who shall refuse to give his and the owner's name and address shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

As to riding or driving improperly through the streets, &c.

91. Any person who shall ride or drive through any road, street or public place negligently, carelessly or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay a sum not exceeding one pound nor less than five shillings.

Swine, &c., not to wander about streets.

92. Any person who shall feed, breed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within forty yards of any street or public place in the Municipality or who shall suffer any swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or under his charge, to stray or to go about or to be tethered or depastured in any street, road, or public place within the Municipality, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings.

Restrictions on certain trades, &c.

93. It shall not be lawful for the business of soap boiler, tallow melter, tripe boiler, tanner, currier, pig keeper or any occupation, trade, or manufacture of an obnoxious or unwholesome nature, prejudicial to the health of, or otherwise offensive to, any of the inhabitants thereof, to be commenced or established within the limits of this Municipal District without consent of the Council first had and obtained: And whosoever shall offend against this by-law shall forfeit and pay on conviction a penalty not exceeding fifty pounds nor less than ten pounds, and a further sum of two pounds for each and every day during which he continues to offend.

Hours for removing night-soil, &c.

94. Any person who shall remove any night-soil or ammoniacal liquor, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of 6 o'clock in the morning and 10 o'clock at night, or shall at any time remove any such night soil or ammoniacal liquor otherwise than in properly covered and watertight carts or vehicles, or in such a manner so as to upset, cast, spill, or strew any of the said night soil or ammoniacal liquor, slop, urine, or filth in, or upon or near to any of the streets, roads, public places, or footways of this Municipal District, or shall deposit or throw night-soil, ammoniacal liquor, or other offensive matter near to any street, road, or dwelling-house, than shall from time to time be directed by the Council, or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, other than shall from time to time be directed by the Council or by the Council or Inspector of Nuisances, shall upon conviction forfeit and pay, for every such offence, a sum not exceeding five pounds nor less than one pound, and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such night-soil, or other offensive matter, and also the employer or employees of the person or persons so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

95. If any person shall take away night-soil from any house or premises within the said Municipal District, or shall come with carts or carriages for that purpose, except within the hours of 10 at night and 5 in the morning, or if any person or persons shall cast, or permit to leak or slop out of any cart or tub, or otherwise, any night-soil in or near any of the streets or public places, he shall forfeit and pay a penalty of five pounds for every such offence, and in case the person or persons cannot be found, then the owner or owners of such cart, carriage, or any other vehicle employed in and about emptying and removing such night-soil, and also the employer or employees of the person so offending, shall be liable to, and forfeit and pay, such penalty as aforesaid.

Inspection of premises—Yards, &c., to be kept clean.

96. Upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officers of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose. Any occupier or owner of any house or place within the said Municipal District who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways within, attached to, or occupied in conjunction with the said house or place, so as by such neglect to cause a nuisance, shall forfeit and pay a sum not exceeding two pounds, and not less than ten shillings.

Discharging firearms, &c.

97. Any person who shall discharge any fire-arms without lawful cause, or let off any fire-works or other explosive matter in or near to any road or street, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

No rock to be blasted without notice to the surveyor, &c.

98. Any person who shall be desirous of blasting any rock within the distance of fifty yards of any dwelling-house, street, road, or other public place, shall give notice in writing twenty-four hours previously to the said Council or Surveyor thereof, who shall appoint in writing a time when the same may take place, and give such other directions as they or he may deem necessary for the public safety. And if any person or persons shall blast or cause to be blasted any rock within

the limits as aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council or Surveyor, he shall forfeit and pay for every such offence a sum not exceeding twenty pounds nor less than one pound, and for every subsequent offence shall pay a penalty not exceeding five pounds nor less than five shillings.

Entrance to cellars, &c., to be covered, &c.

99. If the owner or occupier of any premises having any rails or bars over the areas or openings to any kitchen or cellars, or other part of the said premises beneath the surface of the footway of any street or public places, or having any doorway or entrance into the basement or cellar storey thereof, shall not enter, keep the same, or the rails of such kitchen, cellars, or other parts, in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing; or, if any such occupier or owner shall leave open, or not sufficiently nor substantially keep covered and secured, any coal or other hole, trap-door, funnel, or cellar-flap belonging to or connected with his premises (save and except only during reasonable time for use, alteration, or repair), or if such owner or occupier shall not repair, and from time to time keep in good and substantial repair, all and every, or any such rails, guard-rails, flaps, trap-doors, and other covering, then, and in every such case, the person neglecting so to do shall, for every such offence forfeit and pay a sum not exceeding five pounds, nor less than two pounds.

Cellars or openings beneath footways prohibited.

100. It shall not be lawful for any person to make any cellar, or any opening, door, or window, in or beneath the surface of the footway, of any road, street, or public place within the said Municipal District, except by permission of the Council, and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by convicting Justice or Justices: Provided that such expense and penalty shall not together exceed fifty pounds.

Wells to be covered over, &c.

101. Every person who shall have a well situated between his dwelling-house and appurtenances thereof and any public place, road, street, or footway, within the limits of the said Municipal District, or at the side of such public place, road, street, or footway, or in any yard, open or exposed, to such public road, place, or footway, shall cause such well to be securely and permanently covered over; and if any person shall have such a well as aforesaid, and shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the said Council, or shall have been left at such person's usual or last-known place of abode, or at the said premises, in the manner and with such materials as the Council or its officers shall direct, and to their satisfaction such person shall forfeit and pay a sum not exceeding ten shillings nor less than five shillings for every day that such well shall remain open or uncovered contrary to the provisions hereof: Provided that with respect to well open at the time when this By-law shall come into operation, such penalty shall not be recoverable if the same be properly covered within one week thereafter.

Persons not to stand or loiter in streets.

102. All persons standing or loitering upon any of the carriageways, footways, or other public places in the Municipal District of Bingara, to the inconvenience of passers by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Municipal District, or by any public officer, shall be liable to a penalty not exceeding two pounds nor less than five shillings.

Holes made for cellars, &c., to be enclosed, &c.

103. If any person shall dig, or make, or cause to be dug or made, any hole, or leave or cause to be left any hole, in or adjoining any street, road, lane, or public place, for the purpose of making any cellar or cellars, or the foundation or foundations, to any other house or building, or for any purpose whatsoever, and shall not forthwith enclose the same in a good or sufficient manner, and keep up, or cause to be kept up, and continued, any such enclosure, or shall not when thereunto required by the said Council or officer thereof well and sufficiently fence or enclose any such hole within the time and in the manner provided by the preceding By-laws, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, and then in every such case the person so offending shall forfeit and pay for every such offence, and for every such refusal or neglect, any sum not exceeding five pounds nor less than ten shillings,—and on conviction of every subsequent offence not less than one pound.

Excavations, &c., to be protected by fence or wall.

104. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground on any property adjoining or near to any public road or footpath within the limits of this Municipal District until the owner or occupier of the said property shall have erected a good substantial fence or wall at the least four feet high around such part of the said property as adjoin such public road or footpath; and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings; and all existing quarries, excavations, or precipices situated within the limits of this Municipal District shall be closed and protected in the manner aforesaid within one week after due notice to that effect shall have been given by the said Council, and in the event of the failure or neglect of the owner or occupier of any such last-mentioned property to enclose the same after notice as aforesaid, such person so offending shall be subject to the penalty before mentioned.

Various obstructions and annoyances.

105. Every person who, in any street or other public place, or any other place within the said Municipal District shall commit any of the following offences shall, on conviction for any and for every such offence forfeit and pay a penalty of not more than two pounds nor less than five shillings:—

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed in any street or public place the carcasses, or any part of the carcasses of any slaughtered animal without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butchers' meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flowerpot in any upper window near to any street or public place, without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof, or any part of any house or other building any slate, brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or building is being erected, pulled down, or repaired).

Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance (garden refuse excepted) to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame upon any footway to the annoyance of any person.

Every person who shall be the keeper of, or have any bird, dog, or other animal which shall attack or endanger the life or limb of any person, or shall otherwise be a nuisance within the said Municipal District.

Noisome and offensive trades.

No noisome or offensive trades to be carried on the injury of any inhabitants.

106. No person shall carry on any noisome or offensive trade within the said Municipal District, so as to hinder or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of noisome and offensive trades.

107. Any manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in consequence of, or in connection wherewith, or from the premises where same is conducted, followed, or carried on any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said municipal district, shall be considered a noisome and offensive trade within the meaning of these By-laws.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

108. Upon complaint, in writing, by any thirty ratepayers by petition to the Council, that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or health of any member of his or her family, or to be a nuisance to such householder; and to his or her family the Inspector of Nuisances, or any other person or persons appointed by the Council shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and of the premises or property of the complainant, and shall inquire into the grounds of such complaints, and shall report thereon to the said Council, and if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary,

be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid is a noisome or offensive trade within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such, to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to direct, or so to conduct, follow, or carry on his or her, or their manufacture, trade, calling, or operation as that within such reasonable time as aforesaid the same shall wholly and permanently cease to be noisome and offensive within the time named in such notice as aforesaid any person, conducting, following, carrying such trade as aforesaid shall for the first offence forfeit and pay a sum of not less than forty shillings nor more than five pounds; for a second offence, a sum of not less than five pounds nor more than twenty-five pounds; and for a third, and every subsequent offence, a sum not exceeding fifty pounds nor less than ten pounds.

Mode of proceeding when a "noisome and offensive trade" is about to be commenced:—Penalty.

109. The like proceedings shall be taken whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome or offensive" within the meaning of these By-laws, and the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon the same, and the Council shall take such measures as shall effectually prevent and permanently prevent the same from becoming "noisome or offensive" within the meaning of these By-laws to any resident within this municipal district, and any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operations that the same shall be in any way "noisome or offensive" within the meaning of these By-laws shall for every such offence forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

Service of Notice.—Liabilities.

110. Service of any such notice as aforesaid upon the occupier or owner of any premises wherein or whereon any such manufacture, trade, calling, or operation is being conducted followed or carried on, or is about to be commenced or entered upon, or at the last known place, or abode of such occupier or owner, or upon any person on the said premises or land shall be a good and sufficient service of such notice for all the purposes of these By-laws, and every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged, and employed in any such manufacture trade, calling, or operation as aforesaid shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or occupation within the meaning and for all the purposes of these By-laws.

Public Health.

Houses to be purified on certificate of two medical practitioners.

111. If upon the certificate of any duly qualified medical practitioner, it appears to the Council that any house or part thereof, or the premises is in a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, purify, or fumigate the same as the case may require, and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice, he or she shall be liable to a penalty of not less than forty shillings, nor more than ten pounds. Provided that each day during which such house shall, after such notice as aforesaid remain uncleansed or unfumigated, shall be a separate offence. Provided that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

112. If any person shall sell, let, or cause to be sold or let, any dwelling-house or part thereof, of premises occupied in connection therewith in the said Municipal District, which then is or shall have been, within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let shall be liable to a penalty not exceeding fifty pounds, nor less than ten pounds; any person who shall sell, let, or cause to be sold or let, in the said Municipal District any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting, used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

113. Any person who shall expose or cause to be exposed in any road, street, public place, or unenclosed land adjacent to any dwelling, road, street, or public place any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious diseases within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Rubbish or other offensive matter, &c.

114. No kind of rubbish or offensive matter shall be thrown upon any public or private property, within the Municipal District, without permission first obtained from the Municipal Council, and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds, nor less than ten shillings.

Severage and drainage.

No private sewers to be made to communicate with the public sewers without notice.

115. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council make and give, to make or branch any private drain or sewer into any of the public drains or sewers, or in any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such notice or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding fifty pounds, and shall at his own expense make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work; and all such repairs shall have been performed to the satisfaction of such officer as the Council shall appoint to superintend such work, and any person who shall do or perform anything contrary to this clause, or shall neglect to make good all such damage as aforesaid shall, on conviction thereof, forfeit and pay a sum not exceeding fifty pounds nor less than one pound.

Proprietors of private sewers, &c., to repair and clean same.

116. All private drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed accordingly under the inspection and direction of the Council or officer thereof, at the cost and charges of the occupiers of the house, buildings, lands, and premises to which the said private sewers or drains shall respectively belong, and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than ten shillings.

Water from roofs.

117. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rain water to fall from any roof, balcony, or other projection upon any street, road, lane, or footway, or to flow over the pathway of any such street, road, or lane, or shall cause or permit any roof or rain water to be discharged by any pipe upon any such street, road, lane, or footway shall, if such nuisance be not abated within seven days after notice to abate the same shall have been given by the Council, forfeit and pay for every such offence a sum not exceeding five pounds nor less than five shillings.

Drains in footpaths.

118. No surface drain shall be made in any footpath, nor any pipes laid under or across the same without the authority of the Council; and no such pipe or drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever, and any person who shall so offend shall forfeit and pay a sum not exceeding twenty pounds nor less than ten shillings.

Drains for discharge of surface-water from land.

119. Every owner or occupier of land so situated that surface or storm-water, from or upon the same, shall overflow or shall tend naturally, if not otherwise discharged, to overflow any road, lane, or footway, shall within seven days next after the service of the notice by the Council, abate such nuisance where possible, and in default of compliance with any such notice, within the period aforesaid, such owner or occupier shall forfeit any sum not exceeding five pounds; and if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default as aforesaid, he shall forfeit and pay a sum not less than ten pounds nor more than one pound; and every such owner or occupier who shall still have made defaults as aforesaid for more than seven days after such second, or any future conviction, shall be held guilty of a further offence, within the meaning of this section.

Natural water-courses.

120. Any person who shall close or intercept any natural water-course, by building or otherwise, shall provide another outlet for the surface-water with pipes or sewers of a size and in a manner to be approved of by the Council; and any person failing to comply with the provisions of this By-law, shall forfeit and pay a sum not exceeding fifty pounds, nor less than one pound.

Preventing and Extinguishing Fires.—Fires or Combustible Materials, &c.

121. Any person who shall place, or knowingly permit to be placed in any house, yard, workshops, out-offices or other premises, fire, gunpowder, or combustibles or inflammable articles of any kind, in such a manner as to endanger contiguous buildings (except with the consent of the owners and occupiers thereof), shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds, nor less than one pound, and shall forthwith remove such fire, gunpowder, or combustible, or inflammable article; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable article to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

122. Every person who shall erect any fence of brushwood, bushes, hay, straw, or other inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit, on conviction of every such offence, a penalty of not more than five pounds, nor less than one pound, and also remove such fences or inflammable material within forty-eight hours after such conviction. And any person failing to remove such fence or inflammable material within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Burning shavings, &c., in the streets.

123. Any person burning any shavings or other matters or things in any streets, road, or public place shall forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Fireworks.

124. Every person who shall light any bonfire, tar barrel, or fireworks upon or within sixty feet of any building, public or private street, or any public place, or shall sell gunpowder, fireworks, or other combustible matter, by any artificial light other than gas, shall forfeit a sum not exceeding five pounds nor less than ten shillings.

Wilfully setting fire to chimneys.

125. Every person who wilfully sets, or causes to be set on fire any chimney, flue, smoke vent, or stove pipe, herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

Unlawful games.

126. No games with dice or other games of chance for money, prize fighting, or any dog-fighting, cock-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within this Municipal District; and any person or persons who shall establish, hold, give, or cause to be established, held, or given any such game, exhibition, or entertainment, shall, for every such offence, forfeit and pay a sum of not less than five shillings.

Places of amusement to be licensed.

127. No dancing saloon, skating rink, boxing, bowling, or skittle alley, shooting gallery, or similar place of amusement held or kept for hire or profit (other than entertainments required to be licensed by law) shall exist or be established within this Municipal District, unless and until such place of amusement shall have been licensed by the Council as hereinafter provided, and in the event of any such licensed place of amusement being improperly conducted, or becoming a nuisance, or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor

shall, on representation to that effect being made, forthwith suspend the said license, and the Council, at its next meeting, shall, by resolution, cause the said license to be cancelled or otherwise, as may appear necessary or desirable, and any person or persons having already established such places of amusement, who shall not, within thirty days after these By-laws come into force, apply for such license, or any person or persons who shall open, establish, or maintain any such place of amusement as aforesaid without having obtained such license, shall forfeit and pay a sum of not more than ten pounds nor less than two pounds.

Mode of granting licenses.

128. Applications for licenses as aforesaid must be in writing addressed to the Mayor and Aldermen, and must be endorsed by two householders, testifying to the respectability of the applicant. The application must describe clearly the nature of the entertainment for which the license is sought and the place and premises in which it is to be held.

License fees.

129. Licenses shall be granted by resolution of the Council upon payment of license fees as follows:—For every license from 1st January to 31st December two guineas, and from 30th June to 31st December one guinea. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council upon written applications and on payment of the annual fee of two guineas.

Polluting water, reservoirs.

130. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks used by the public belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal whether alive or dead, or any rubbish, filth or thing of any kind whatsoever, or shall cause or permit or suffer to run or to be brought therein the water of any sink, sewer, drain, engine or boiler, or other filthy, unwholesome or improper liquid, or shall wash any clothes at the public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct or other waterworks, as aforesaid, or shall anything whatsoever whereby any water or waterworks belonging to the said Council or under their management or control shall be fouled, obstructed or damaged, shall for the first offence forfeit and pay any sum not exceeding five pounds; for a second offence, any sum not less than one pound nor more than ten pounds, and for a third and every subsequent offence, a sum not more than twenty pounds, nor less than five pounds.

Supply of water in time of drought.

131. In the time of drought or scarcity of water, the Council may, by resolution to that effect, cause water to be supplied to the inhabitants of this Municipal District by water-carts or otherwise, and shall, by such resolution as aforesaid, fix a price to be charged for water so supplied.

Trees in streets.

132. The Council shall have power to plant trees in the streets and public ways of this Municipal District, and any person wilfully injuring or destroying any of such trees, or any railing or fence protecting the same, shall, on conviction, forfeit and pay a penalty of not more than ten pounds, nor less than one pound, in addition to the value of the tree, railing, or fence so injured or destroyed.

For the purposes of these By-laws.

133. Summer months shall mean and be taken to be the months from October to March inclusive; and winter months shall mean and be taken to be the remaining months of the year.

Construction of terms.

134. In the construction of the foregoing By-laws, the provision of the Act 16 Victoria No. 1, shall be applied as far as the same be applicable.

(L.S.) JOHN BYRNES,
Mayor.

W. E. WEARNE, Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF HAY—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 10th September, 1890.

HAY MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Municipal District of Hay, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF HAY.

BY-LAW for the purpose of dealing with correspondence addressed to the Council.

1. Section 27 of the By-laws of the Hay Municipal Council is now and hereby repealed.
2. All letters addressed to the Council may be dealt with summarily, provided the matter contained in any such letters does not involve a total expenditure of more than five pounds (£5).

Made and passed by the Council of the Municipal District of Hay, this 17th day of July, 1890.

T. W. BLANCHE,
Council Clerk.

(L S.) JOHN W. KENNEDY,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF WALCHA—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 9th October, 1890.**WALCHA MUNICIPALITY.—BY-LAWS.**

THE following By-laws, made by the Council of the Municipal District of Walcha, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS made and passed by the Council of the Municipal District of Walcha, for regulating the proceedings of the said Council, the duties of the officers and servants and contractors with said Council, for compelling residents to keep their residences clean, and generally for the proper government of the Municipality under the "Municipalities Act of 1867."

PART I.**Meetings of Council.**

1. The Council shall meet on every alternate Tuesday at 7-30 o'clock p.m., from 1st April to 30th September, and at 8 p.m., from 1st October to 31st March, unless such day shall happen to be a public holiday; in the latter case, the meeting shall be held on such other day as the Mayor may appoint. Special meetings may be called by the Mayor, or in his absence by any two Aldermen.

Chairman in Mayor's absence.

2. If at any meeting of the Council the Mayor be absent, at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present (being a quorum) shall proceed to elect for themselves a Chairman for such meeting.

Order of Business.

3. The following shall be the order of business of all meetings of the Council, other than special meetings.

- (1.) The minutes of the last preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted, except as to whether the minutes are correct.
- (2.) Correspondence to be read and orders made thereon if expedient.
- (3.) Petitions (if any) to be read and dealt with.
- (4.) Reports from Committees and minutes from the Mayor to be presented and orders made thereon.
- (5.) Questions, as to matters under the jurisdiction or official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or officers to be made.
- (6.) Tenders.

- (7.) Motions, of which notice has been given, to be dealt with in the order in which they stand on the business paper.
- (8.) Orders of the day to be disposed of as they stand upon the business paper.

Provided that the Council may, by resolution, take any particular matter out of the regular order on the paper.

Business at Special Meetings.

4. At special general meetings of the Council the business, after the minutes shall have been read and signed, which shall be done in the same manner as at ordinary meetings, shall be taken in such order as the Mayor or Aldermen at whose instance such special meeting shall have been called, may have directed, and no other business shall be transacted.

Business Paper for Ordinary Meetings.

5. The business paper for every meeting of the Council, other than special meetings, shall be made up by the Council Clerk not less than one nor more than three days before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting, which he may have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided. Every such entry shall be made (subject to the provisions of section 3 of this Part of these By-laws) in the same order as such notice, requisition, or direction shall have been received, and a copy of such business paper shall be served or posted to all members of the said Council.

Business Paper for Special Meeting.

6. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such special meeting.

How Business Paper to be disposed of.

7. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper, so noted, shall be a record of the Council.

Notices, &c., to be the property of the Council.

8. After the business paper shall have been made up as aforesaid, all notices of motion, requisitions, and directions as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions—how to be made.

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from such business paper, and shall be considered to have lapsed.

Absence of mover.

10. No motion of which notice shall be entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-mentioned Alderman.

Motion to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Amendment may be moved.

12. When a motion or amendment shall have been made or seconded, any Alderman shall be at liberty to move an amendment thereon; but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

13. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

14. No second amendment shall be taken into consideration until the first amendment shall have been disposed of.

Amended questions—Further amendments may be moved thereon

15. If an amendment be carried, the question amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

16. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

17. Any motion for adjournment shall, if seconded, be put at once without discussion. If negatived, a similar motion shall not be made until half an hour has elapsed after moving the one that has been negatived.

Orders of the day.

18. The orders of the day shall consist of any matters, other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

19. The Alderman who has the usual charge of, or who has previously moved in reference to, the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that the Mayor may, as to any order of the day entered by his direction, move the same.

Petitions to be respectfully worded.

20. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

21. All petitions shall be received only as the petitions of the parties signing the same.

How petitions to be dealt with.

22. No motion, other than for the reception of a petition, shall, unless as hereinafter provided, be permissible on presentation thereof, except that the same be referred to a Committee, or that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to the subject of any petition, or if the consideration of the subject of any petition shall have been made an order of the day, and such petition shall have been presented before such motion or order of the day shall have been called on, such order of the day, or the said motion, if otherwise unobjectionable, shall be considered in order.

Correspondence.

23. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read, as by section 20 of this Part of these By-laws is imposed upon Aldermen presenting petitions—if not read to be returned to the writer, and reported to the Council. The Mayor shall direct as to the order in which all correspondence shall be read, and no letters addressed to the Council, or any of its officers, shall be presented and read by any Alderman. If the Mayor be absent, and shall not have examined any such letters, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 22 to apply to letters.

24. Section 22 of these By-laws shall be considered as fully applicable to letters addressed to the Council, or any of its officers, as to petitions.

Reports from Committees.

25. Every report from a Committee shall be written on foolscap paper, with one-third margin, and signed by the Chairman of such Committee, or, in his absence, by some other member of the same.

Mayor's minutes.

26. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing signed by him.

How reports, &c., are to be dealt with.

27. No motion shall, unless as hereinafter provided, be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and its consideration stand an order of the day for some future meeting: Provided that if any Alderman shall have given due notice in reference to any such report or minute, or if the consideration of any such report or minute shall have been entered among the orders of the day, such orders of the day or such motion, if otherwise unobjectionable, may be moved and considered in due course; and whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice, and it is desirable that such report or minute should be ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman, or member of such Committee signing such report, or of the Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion or requisition as will enable the Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Questions and statements.

28. No question shall be put to the Mayor unless twenty-four hours' notice in writing shall have been given thereof to the Council Clerk.

29. No question or statement shall be allowed to be put or made which is inconsistent with good order.

Questions to be put without argument.

30. Every question must be put categorically, without any argument or statement of fact.

No discussion on question, &c.—Right of objection and of subsequent motion reserved.

31. No discussion shall be permitted as to any question, or as to any reply or refusal to reply thereto, or as to any statement at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice as hereinbefore provided, of any matter properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council.

32. Every Alderman who shall make or second any motion, or shall take part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall, while doing so, stand up in his customary place, unless he shall be prevented from so doing by reason of some bodily infirmity, and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case, the question so put and the answer thereto shall be subject to every legal objec-

tion on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted.

33. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order as hereinafter provided.

Offensive language.

34. If any Alderman uses, whilst in Council, any offensive or insulting language, the words shall be written down, and he shall be asked to withdraw them. If he refuse to withdraw such language and apologise, he shall be deemed guilty of misconduct, and be liable to a fine of not less than one pound nor more than five pounds.

Aldermen not to speak more than ten minutes.

35. No Alderman shall speak twice on any motion or amendment without the consent of the Council, except when in Committee or in explanation, where he shall have been misrepresented or misunderstood. The mover of every question shall have the right of reply: Provided that no Alderman speak upon any motion or amendment for a longer period than ten minutes.

Mover and seconder.

36. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

37. No Alderman shall digress from the subject under discussion, or shall make any personal reflections on, nor impute improper motives to any other Alderman.

Adjournment of debate.

38. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned, shall be entitled to pre-audience on the resumption of the debate.

Privilege of Mayor or Chairman.

39. The Mayor or Chairman shall have the same privilege as any other Alderman in making or seconding a motion, and have the right of speaking on any subject or amendment introduced. The Mayor or Chairman shall rise when so speaking, but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order.

40. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

41. Every member of the Council who shall commit a breach of any section of this Part of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any other language which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be deemed to be out of order.

Points of order.

42. Any Alderman may at any time call the attention of the Mayor or Chairman to any Alderman being out of order, and every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive, unless such decision shall be questioned by any Alderman, when the sense of the majority shall be taken without discussion.

Mode of Voting.

How questions are to be put.

43. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions—Penalties for refusing to vote.

44. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Motions for rescissions of previous orders.

45. No motion, the effect of which, if carried, would be to rescind or be repugnant to any resolution which has been passed by the Council, shall be entertained within three months, unless a call of the whole Council has been duly made for that purpose; and no such motion, if negatived by the Council, shall be again entertained during a period of three months.

Protests.

Mode of protesting—Protest to be recorded, but may, under certain circumstances, be expunged.

46. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not less than seven days after such notice. The Council Clerk shall enter every such protest in the minute book, but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Committees of the whole Council.

Business in Committee.

47. The Business Committees of the whole Council shall be conducted in accordance with the rules hereinbefore provided for meetings of the Council as nearly as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Disorderly conduct in Committee.—Refusal to vote.

48. Whenever any member of the Council shall, while the Council is in Committee of the whole, be considered guilty of an offence against good order within the meaning of section 34 of this Part of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried such matter shall be reported accordingly, and an entry of such report shall be made in the minute book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 44 of this Part of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Committee resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has failed to vote.

How progress may be reported, &c.

49. Any Alderman may, at any time during the sitting of a Committee of the whole Council, move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on some other day, or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sitting, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee—Want of quorum in Committee.

50. All reports of proceedings in Committee of the whole Council shall be made to the Council, *viva voce*, by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making any such report as aforesaid, it shall not be necessary to report any such proceedings in extenso, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

51. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council, until a motion shall have been made and passed for such adoption, or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid, and the order of debate on such motion, shall be subject to all the same rules as other motions in Council, and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 48 of this Part of these By-laws, of disorderly conduct in Committee, or under section 44 of this Part of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, as far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretence whatever.

Calls of the Council.

How calls may be ordered.

52. A call of the Council may be ordered by any resolution, of which due notice shall have been given, for the consideration of any motion or matter of business before such Council.

Such calls compulsory in certain cases.

53. There shall, without any special order to that effect, be a call of the Council, for the consideration of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

54. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered, such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse, in writing, shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse, and of the reasons for the same.

Penalty for absence without legal excuse.

Further call when question adjourned.

55. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than five shillings nor more than one pound: Provided that if the consideration of every such motion or matter of business be adjourned to a future day there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Powers to suspend temporarily certain portions of these By-laws.

56. Any of the foregoing By-laws or any portion thereof which relate to or affect the proceedings at meetings of the Council, may be suspended pro tempore without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

Standing and Special Committees.

Standing Committees.

57. Besides such special Committees as may from time to time be found necessary, there shall be four Standing Committees of the Council, each consisting of not less than three members, namely, a Finance Committee, an Improvement (or Works) Committee, a By-law Committee, and a General Committee.

Finance Committee.

58. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenue. They shall inquire and report from time to time as to all matters which they may consider to affect the finances of the said Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Improvement Committee.

59. The Improvement Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

By-law Committee.

60. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been or may be extended to the Borough, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

General Purposes Committee.

61. All matters which the Council may think fit to refer to a Committee, and which do not fall within the province of any other Standing Committee, shall be referred to the Committee of General Purposes: Provided, however, that the Council may at any time refer such matters to a committee appointed for that particular purpose.

Special Committees.

62. Special Committees may consist of any member or members, and may be appointed for the performance of any duty which may be lawfully intrusted to a Committee, and for which, in the opinion of the Council, a special Committee ought to be appointed; and no standing Committee shall interfere with the performance of any duty which may for the time being, have been intrusted to any such special Committee. The appointment of every such special Committee shall be made by resolution after due notice; and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be intrusted to such special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom in his opinion such special Committee ought to be composed; and the Mayor or Chairman shall examine such lists, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

63. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, who may direct the Council Clerk to call meetings whenever he shall think it desirable.

Cost of works to be estimated before undertaken.

64. No works affecting the funds of the Municipality, except as hereinafter is mentioned, shall be undertaken until an estimate of the probable expense thereof shall have been submitted to the Council and a vote taken for the cost thereof.

Works to be let by tender.

65. Works undertaken by the Council, and estimated to cost over (£20) twenty pounds, shall be let by tender; and no tender shall be entertained unless it be accompanied by an agreement, signed by one or more respectable parties as sureties, for due performance of the contract. All tenders shall be accompanied by a cash deposit of ten per cent. of the amount of tender.

Cases of emergency and current expenses.

66. For emergent matters, and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Improvement Committee, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of three pounds.
2. By order of the Mayor, for necessary current expenses, to the extent of two pounds.

Completion of works to be reported by Improvement Committee.

67. No works undertaken by the Council shall be deemed to have been completed, and no order shall be made for the payment in full of the same, except upon a report or certificate to that effect from the Improvement Committee, except for emergent works, as provided for in section 67 of this Part of these By-laws.

Common Seal—how secured.

68. The seal shall be secured by a cover or box, which shall be kept at the Council Chambers in the custody of the Council Clerk. There shall be two locks to this cover or box, and one key shall be kept by the Mayor and the other by the Council Clerk.

When and how Common Seal to be used.

69. The seal of the Council shall not be affixed to any document without the express authority of the Council; and every impression thereof so authorized shall be verified by the signature of the Mayor, or, in case of illness or absence of the Mayor, by two Aldermen, and countersigned by the Council Clerk, but, for the purpose of authenticating documents, the Mayor may alone fix the Seal, and charge a fee for so doing of (£1) one pound, such fee or fees to form Relief Fund, to be administered by the Mayor.

70. All charters, deeds, muniments, and records of the Municipality shall be kept in the offices thereof in the custody of the Town Clerk, unless the Council shall otherwise order.

Cash balance.

71. The Treasurer shall produce the cash-book and bank pass-book, balanced, at the regular meetings of the Council.

Books, &c., not to be shown or exposed without leave.

72. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council without the written permission of the Mayor, unless as otherwise provided by law. Any member or officer who shall commit a breach of this section shall be liable on conviction to a penalty of not less than five shillings nor more than two pounds.

Records not to be removed.

73. Any person removing any such book, paper, or record from the Council Chambers without leave of the Mayor in writing first obtained, shall be subject to a penalty of not less than ten shillings or more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book, paper, or record, and shall not have returned the same, to any action at law for the detention of such book, paper, or record, or to prosecution for stealing the same, as the case may warrant.

Penalty for defacing or destroying records.

74. Any person destroying, defacing, or wilfully or improperly altering any book, paper, or record shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

Bonds for good conduct.

75. All bonds given by officers and servants of the Council for the faithful performance of their duties shall be deposited in such custody as the Council may order; and no member, officer, or servant of the Council shall be received as a surety for any officer or servant.

Duties of the Council Clerk.

76. The Council Clerk shall attend at the office of the Council, for the purpose of transacting the ordinary business of the Council, on every Tuesday, from 2 to 4 p.m., and on every Friday from 10 to 12 a.m.

77. The Council Clerk, in compliance with the Municipalities Act of 1867, or by the present or any other By-laws made thereunto, shall perform the following duties, namely:—

1. Attend all Council meetings.
2. Attend Committee meetings when required.
3. Attend all Courts of Revision and Appeal.
4. Summon the Members of the Council to all Council or Committee meetings.
5. Take minutes of all meetings, and prepare reports of all Committees.
6. Conduct all correspondence ordered by the Council, under the direction of the Mayor, and give all other officers instructions as directed by the Minutes.
7. To see that the accounts are audited, and the balance sheet duly submitted twice a year, within the time specified by law.
8. To see to the gazetting of all By-laws and necessary advertisements.
9. To see that the Assessment books and the Municipal lists and rolls are duly prepared, examine proofs of latter, and arrange for distribution of copies on payment, to electors, prior to the elections.
10. Make all necessary arrangements for the elections, preparing all papers, &c., for Presiding Officers and Poll Clerks.
11. Prepare all bonds of officers, see that the guarantees are given, and arrangements duly signed, &c., and reports sent to the Council.

12. Advise with the officers from time to time as to their duties, and the mode of carrying them out.

13. See that all levels and names of streets have been duly advertised as provided for by law, and authenticated by the Mayor's signatures.

14. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.

15. He shall have charge of all the records of the Council, except such books or documents as may be intrusted to any other officer of the Council, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council.

16. He shall enter into a bond for not less than £50 (fifty pounds) for the faithful performance of his duties.

Special powers of Mayor.

78. The Mayor may from time to time define the duties of all officers and servants of the Council, and shall exercise a general supervision over all such officers and servants, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant, as he may think necessary, unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information.

Drafts of intended By-laws.

79. A draft of any intended By-law shall be in the office of the Council at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same. No By-law shall be passed until it has been reported upon by a Committee of the whole Council, nor until it has been twice read in Council on different days.

Suits and prosecutions for penalties.

80. Suits or informations for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Municipality, shall be commenced or laid as follows, viz.:—When against a Member of the Council, or any Auditor, or any officer of the Corporation, by such officer as shall be named for that purpose by the Council; when against any other person, by the Inspector of Nuisances; and if there shall be no such officer, then by such officer or person as shall be appointed for that purpose by the Council or the Mayor, as the case may be, on directing such suit of information as aforesaid. And no such suit shall be brought or information laid as aforesaid against any member of the Council, or Auditor, except by order of such Council; nor shall any similar proceeding be taken against any officer of the Council, except on the order of the Council or of the Mayor. And the conduct or prosecution of any suit or information may, on the order of the Council or of the Mayor, be intrusted to an attorney.

PART II.

Collection and enforcement of Rates.

Rates, when due and payable.

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall, by resolution, from time to time appoint.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

3. Every person not paying his or her rates as aforesaid, within thirty days after the day so appointed for payment thereof, shall be deemed a defaulter; and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce the payment of all rates in default, either by action at law or by issuing warrants of distress upon the goods and chattels of the defaulter.

Bailiff—how appointed.

5. The Bailiff of the Municipal Borough shall be appointed by the Council and may from time to time be removed by them.

Bailiff to find sureties.

6. The Bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of fifty pounds (£50) each, for the faithful performance of his duty.

Duties of Bailiff.

7. It shall be the duty of the Bailiff to make levies by distraint for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

8. All levies and distress shall be made under warrant under the hand of the Mayor or any Alderman who may for the time being be authorized to perform the duties of that office; such warrant to be in the form or to the effect of the Schedule hereunto annexed and marked A.

Inventory.

9. At the time of making a distress warrant, the Bailiff shall make a written inventory in the form or to the effect of the Schedule marked B, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distressed, or to some person resident in the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted in some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall deliver a copy of such inventory to the Council Clerk.

Distress and sale, &c.

10. It shall be lawful for the Bailiff or his deputy, and such assistants as he may take with him, to enter into any part of the land, building, tenement, or other property, in respect of which such rate or rates shall have been made as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement or other property, in charge thereof. And if the sum for which any such distress shall have been made or taken, together with the cost of such distraint, shall not have been paid on or before the expiration of five clear days, the Bailiff or his deputy may, between the hours of eleven in the morning and two in the afternoon on the next day thereafter, cause the goods so distrained, or a sufficient portion thereof, to be sold by public auction, either on the premises or at such other place within the Municipal Borough as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for and the costs of such distraint, to the owner of the goods so sold, on demand by such owner.

Goods may be impounded.

11. The Bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods and chattels so distrained, of what nature or kind soever, in such part of the land or premises chargeable with rate, or in such other place as shall be most fit and convenient for that purpose; and it shall be lawful for any person whomsoever, after the expiration of two clear days, as hereinbefore mentioned, to come and go to and from such part of the said land and premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchase thereof.

Owner to direct order of sale.

12. The owner of any goods and chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods and chattels shall in such cases be put up for sale according to such directions.

Proceeds of distress.

13. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within twenty-four hours after having received the same.

SCHEDULE A.

Warrant of distress against tenant actually rated, and occupant.

To and his assistants.
Whereas the person whose name appears in the Schedule hereunder written has been rated by the Municipal Council of the Municipal District of Walcha, in respect of the property also appearing in the said Schedule at the sum and for the purpose set down opposite his or her name. And whereas the said sum was and still is due and payable on account of such rate, and default having been made in the payment thereof to the treasurer although demand has been made as is required by law. These are therefore to authorize you forthwith to make distress of the goods and chattels in the first place upon those of the person named in the Schedule if he or she be then resident in the said premises, and have any goods and chattels there, and in case of a change of possession, then upon the goods and chattels of any person who shall then be the occupier thereof, or upon the goods and chattels of the person in possession of the said premises so appearing in the said Schedule at the time of executing the warrant. And if within the space of five days after the making of such distress the said sum of money set opposite to his or her name at which the person was so rated as aforesaid shall not be paid together with costs, that then you do sell the said goods and chattels of the person so by you distrained, and out of the money arising by such sale you retain the sum so due and owing for the premises in the same

Schedule mentioned and occupied by the party whose goods you shall have sold together with costs, rendering to him or her the overplus, and that you certify to me on or before the day of _____, what you shall have done by virtue of his warrant.

No. in Rate-book.	Name of ratepayer.	Description of property.	Situation of property.	Rate.
				£ s. d.

Given under my hand at the Council Chambers, this day of _____, 18 .

Mayor.

Deputy.

14. The Bailiff may, with the sanction in writing of the Mayor, or, in his absence, with the sanction of any two Aldermen of the Municipal Borough, authorize, by writing under his hand, any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every such case be responsible for the acts of such deputy.

Costs.

15. There shall be payable to the Bailiff for every such levy and distress made under these By-laws the costs and charges in the Schedule hereunto annexed, marked C.

SCHEDULE B.

Inventory.

I have this day, by virtue of the warrant under the hand of the Mayor of the Municipal District of Walcha, dated, _____, 18 . of which a copy is attached hereto, distrained the following goods and chattels, in the dwelling-house, or in or upon the land or premises of _____, situate at _____, within the said Municipality, for _____, being the amount of rates due to the said Municipality, to the _____ day of _____, and also the costs of this levy.

Dated this _____ day of _____, 18 .

(List to be appended.)

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20	2	0
Above that sum, in addition to every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day, or part of a day .. .	5	0
For sale, commission, and delivery of goods, per pound on proceeds of the sale	1	0

PART III.

Preventing and Extinguishing Fires.

Fire or combustible material.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, or office, or other premises within the said Municipality, fire, gun powder, or combustible or inflammable materials of any kind, in such a manner as to endanger any building, shall on conviction thereof for every such offence forfeit and pay a penalty of not less than five pounds, and shall forthwith remove such fire, gun powder, or combustible or inflammable materials; and for each and every period of twenty-four hours after such conviction that such person shall suffer fire, gun powder, or combustible or inflammable materials to remain as aforesaid, such person shall be deemed guilty of a further offence against this By law.

Setting fire to matter without notice

2. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling-house or other building, or boundary or dividing fence, within the said Municipality, without having given notice in writing to the occupiers of the land adjoining the land upon which such matter shall be of his intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds.

Erecting brushwood fences, &c.

3. Every person who shall erect any fence of brushwood, bushes, or any other inflammable material, or shall make or place any stack of hay, corn, straw or other produce, or place as or for the covering any such stack any inflammable materials, so as to endanger any contiguous buildings or properties, or any trees, shrubs, or any produce thereof, or any chattels

therein, shall forfeit on conviction of every such offence a penalty of not more than five pounds, and shall remove such fence, stack, or covering, within a reasonable time after such conviction; and any person failing to remove such fence, stack, or covering, within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Fireworks.

4. Every person who shall discharge any firearms without lawful cause, or who shall light any bon-fire, tar-barrel, or fireworks upon or within ten yards of any public or private street, or any public place, or shall sell gunpowder, squibs, rockets, or any other combustible matter by gas, candle, or other artificial light within the said Municipality, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Any person who shall wilfully set, or cause to be set, on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common "chimney," within the said Municipality, shall forfeit a sum not exceeding five pounds.

Negligently suffering chimneys to be set on fire.

6. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimneys are situated, shall forfeit a sum of not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case be heard, that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimneys or otherwise, of himself or his servants.

Water carters to attend fires.

7. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall, if any building, premises, or property, shall be on fire within the Municipality, attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as may be required by the Mayor, or by any Alderman or person duly authorized by the Council in that behalf and then present, for extinguishing such fire; and every such owner or driver who shall, without reasonable excuse, fail to comply with the provisions of this section, shall forfeit a sum not exceeding ten pounds, nor less than two pounds.

8. There shall be paid out of the Municipal funds to the owner of every licensed water-cart who shall have attended with any water at the place of any fire, as herein provided, and deliver the same as required for extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed on that behalf, and also to such owners of such carts as shall have first and second in order attended with loads of water, such further sums by way of reward as the Council may by similar resolution have fixed.

Erection of bark buildings.

9. All persons are prohibited from erecting buildings, any portion of which shall be constructed of bark or other dangerously inflammable material; and any person or persons erecting such buildings shall forfeit, on conviction of every such offence, a penalty of not more than twenty pounds: Provided that this By-law shall only be enforced within the town boundary, that is to say, within the following boundaries:—On the north by Hill-street; on the east by Angle-street; on the west by Thee-street; and on the south by Croudace-street.

PART IV.

Public vehicles.

1. That from and after the passing of this By-law, any person who shall be desirous to ply with any car, cab, or other vehicle, or with any cart, dray, or waggon, for hire or reward, or to draw, or to carry, with any cart, dray, or waggon, any wood, water, butcher's meat, bread, dairy farm or other produce, bricks, stone, or any building materials, or any merchandise or other property whatsoever, for hire or reward within the said Municipality shall, register his name and place of abode in the office of the Council Clerk, and shall thereupon, and from time to time thereafter, on payment by him of the rate according to the scale hereinafter mentioned, received from the Council Clerk a license, in the form set forth in schedule hereunto annexed, on which shall be written his name, place of abode, and number of vehicle so approved—every such license to continue and be in force until the thirty-first day of December in each and every year, and no longer; and if any person shall ply with any car, cab, or other vehicle, or with any cart, dray, or waggon, without being so licensed, or shall cause, or procure any person to ply, not being so licensed, within the said Municipality, or if any person shall draw or carry any wood or water with any cart, dray, or waggon, for the supply of the inhabitants of the said Municipality, without being so licensed, he shall forfeit and pay for every such offence any sum not exceeding five pounds, nor less than one pound.

The following is the scale of fees for licenses above mentioned:—

For passenger carrying vehicles 2s. 6d. per annum for each carrying number.

For every cart, dray, or waggon per annum, £1.

For every car, cab, or night-cart per annum, 10s.

2. The above fees shall be payable on the first day of January, in each year, and not later than the thirty-first of the same month: Provided always, that upon any such license issued after the thirty-first day of March, in each year, there shall be demandable three-fourths of the above fee mentioned, and any such license issued after the thirtieth day of June, in each year, there shall be demandable one-half of the above-mentioned fee, for the same, and no more.

3. And be it further ordered and directed that when any person shall have in his employ any servant licensed as aforesaid, and such servant shall leave such employment before his license shall have expired, then, and in any such case, the license of such servant shall, and may be, transferred to any other person, by registering such transfer in the office of the Town Clerk. And be it further ordered and directed that the name of every person licensed as aforesaid, together with the number of his licensed cart, dray, waggon, or other vehicles as the case may be, shall at all times be legibly painted in letters not less than one inch in length upon the off side of the cart, dray, waggon, or other vehicle with which he shall ply for hire or carry as aforesaid. And if any such person shall at any time fail or neglect to keep his name, the number of his license, and the words licensed cart, dray, waggon, or other vehicle, as the case may be, legibly painted as aforesaid, he shall forfeit and pay for every offence not less than ten shillings nor more than one pound sterling; and if any person not duly licensed as aforesaid shall ply or draw, or carry wood or water, other property, or merchandise, with a cart, dray, waggon, or other vehicle, on which there shall be painted licensed, or the words licensed cart, dray, waggon, or other vehicle, as the case may be, he shall forfeit and pay for every such offence not less than one pound nor more than five pounds sterling.

SCHEDULE.

Form of License.

This is to certify that _____ of _____ street, Walcha, is hereby licensed to _____ from the _____ day of _____ to the 31st day of December, 18 _____, inclusive within the Municipality of Walcha, subject nevertheless to all and every the By-laws and regulations in force relating thereto.

Given under my hand,

PART V.

Hawkers.

Hawkers to be licensed.

1. No person shall sell, offer, or expose for sale in any part of the Borough (or Municipal District) of Walcha, or except in the house or premises of the person so selling, offering, or exposing for sale, or in the markets or open spaces adjoining, any poultry, fish, vegetables, garden produce, game, tripe, bacon, dairy produce, eggs, fruit, pastry, ice cream, or green fodder without a license authorizing him to do so, signed by the appointed officer of the said Municipality, and every such license shall be numbered and registered, and shall be in the form contained in the Schedule hereto and shall be in force for the term therein stated, and no longer.

Hawkers to carry license.

2. Every person licensed as a hawker shall, whilst engaged in hawking, carry the license so granted with him, and upon being required by any officer of the Municipal District, or police officer, produce and show the same.

Name to be painted on vehicle.

3. Every licensed hawker shall, whilst hawking, have affixed on some particular part of his cart, barrow, basket, vehicle, or dray, a board or plate bearing his name and the words "Licensed Hawker" legibly painted thereon in letters not less than one inch in length.

Licensed fees.

4. The following fees shall be paid for such licenses:—
For hawking with hand-basket, dray, or wheelbarrow, the sum of 5s. per annum; with vehicle drawn by horses or other animals, the sum of 10s. per annum.

These fees shall be payable in accordance with section 2 of Part IV of these By-laws.

5. Any person offending against these By-laws shall for each offence upon conviction forfeit and pay a sum not exceeding ten pounds.

SCHEDULE.

Form of hawkers' license.

Borough (or Municipal District) of
Hawkers' License, No.
Name
Address

This license entitles the holder to hawk with hand-basket or tray (or with wheelbarrow, vehicles drawn by horses, &c., as the case may be), for the _____ ending the day of _____, 18____, inclusive.

Given under my hand, this _____ day of _____

PART VI.

Public Exhibitions, &c.

Public exhibitions, &c., to be licensed.

1. No exhibition, otherwise than hereinafter provided for, shall be held or kept for hire or profit within the said Borough, nor shall any bowling-alley, or other place of public amusement other than licensed as hereinafter provided, be held or kept within the Borough, unless and until the same shall be duly registered as hereinafter prescribed.

2. It shall and may be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition other than those required to be licensed as hereinafter provided, and which shall not be held or kept for more than one week; and in like manner, to allow any land belonging to the Council to be used for public amusement other than entertainments required to be licensed as hereinafter provided, for one week: Provided always that no such permission shall be given to the injury of any property of the Council, and that it shall be incumbent on such Mayor to inquire strictly into the nature of such exhibitions seeking the permission aforesaid before granting the same; and, in case of any exhibition or amusement being held to be opposed to public decency or endangering the peace of the public, the Mayor shall have power to peremptorily order the nuisance to be abated, under a penalty of forty shillings for every day such exhibition shall be so held; and it shall be lawful for the Mayor to levy a tax of not more than one pound per diem upon any temporary exhibition or amusement which, in his opinion, should contribute to the Municipal revenue.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid in or upon such building or ground, and the name of such occupier; and every person who causes, and every occupier of any such building or land, who permits any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week in or on any such building or land not being registered for the purpose, or without such certificate of registration, as hereinafter mentioned, having been obtained for the same, shall forfeit for every such offence not less than one pound, nor more than twenty pounds.

Registration fee.

4. For every such registration as aforesaid, the occupier of the building or land so registered shall pay to the Town Clerk, for the benefit of the said Borough, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the 31st day of December then next ensuing, and no longer.

Change of occupancy.—Transfer fee.

5. The person in whose name the building or ground as aforesaid shall be registered, or the person to whom the Mayor shall grant a temporary license, shall be deemed the occupier of such building or land for all purposes of these By-laws; and any change of occupancy shall be forthwith notified to the Town Clerk, and the Council may sanction the transfer of the license to the new occupier, and shall charge for such transfer the fee of five shillings.

Public Amusements.

Places of amusement to be licensed.

6. No dancing saloon, skating rink, bowling or skittle alley, shooting gallery, or similar place of amusement (other than entertainments requiring to be licensed by law), shall exist or be established within the Borough, unless and until such place of amusement shall have been licensed by the Council as hereinafter provided; and in the event of any such licensed place of amusement being improperly conducted or becoming a nuisance, or an annoyance to any inhabitant, or violating public decency, or endangering the public peace, the Mayor shall, on representation to that effect being made, forthwith suspend the said license, and the Council at its next meeting shall, by resolution, cause the said license to be cancelled or otherwise, as may appear necessary or desirable; and any person or persons having already established such places of amusement,

who shall not within thirty days after these By-laws come into force apply for such license, or any person or persons who shall open, establish, or maintain any such place of amusement as aforesaid, without having obtained such license, shall forfeit and pay a sum of not less than ten pounds and not more than fifty pounds.

Mode of granting licenses.

7. Applications for licenses as aforesaid must be in writing, addressed to the Mayor and Aldermen, and must be endorsed by two responsible householders, testifying to the respectability of applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License fees.

8. Licenses shall be granted by resolution of the Council upon payment of license fees, as follows:—For every license granted between the 1st January and 1st July, one pound one shilling, and between the 1st July and 31st December, ten shillings and sixpence. All licenses shall expire on the 31st December in each year, and may be renewed by resolution of the Council upon written application, and on payment of the annual fee of one pound one shilling.

PART VII.

Streets and public places.—Public health, decency, &c.

New roads to be reported upon.

1. No new public road, street, way, or other place proposed to be dedicated to the public, shall be taken under the charge or management of the Council until after such road, street, way, or place shall have been examined by the Improvement Committee, or other Committee appointed for this purpose, and reported upon to the Council by such Committee.

Plan of proposed new road, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, or way, or lay out any place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management thereof, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way, or other place as aforesaid.

Dedication of new roads.

3. If the Council shall determine to take charge of any such road, way, or place as aforesaid, the plan or plans, signed as aforesaid, shall be preserved as a record of the Council, and the proprietor or proprietors shall execute such further instrument, dedicating such road, way, or place to public use or recreation as aforesaid, as may be considered necessary by the Council, which said instrument shall be preserved as a record of the Council.

Who to mark out roads, &c.

4. The Surveyor of the Municipal Borough, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out when and where necessary the roads, streets, lanes, and thoroughfares, which now are, or shall hereafter be under or subject to the care, construction, or management of the Council, and the carriage or foot ways in each of such roads, streets, lanes, or thoroughfares.

No encroachment, &c.

5. No person shall be at liberty to encroach beyond the building line in any street or lane by the erection of houses, verandahs, doorsteps, fences, or any other obstruction whatever; and all proprietors or lessees of houses within the Borough, having a frontage to any street, shall be bound to have the same sufficiently spouted with downpipe to carry under the surface of the footway in the street gutter. It shall not be lawful for any signboard or other obstruction of any kind to be erected across the footpaths, except with the consent of the Council, under a penalty not exceeding five pounds and not less than one pound.

No balcony, &c.

6. With regard to buildings, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string-course, dressing, or other architectural decoration forming part of, or attached to any external wall, to project beyond the building line of any street or road; nor shall any balcony, or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding five pounds nor less than one pound.

Encroachments must be removed on notice.

7. The Surveyor or other officer of the Council may at any time, on the order of the Council, give seven days' notice in writing, directing the removal of any building, fence, signboard, obstruction, encroachment, or erection of any kind, in and upon any reserve, road, street, lane, footway, thoroughfare, or place, under the charge of the Council, and such notice shall be served either personally or at the usual or last known

place of abode of the person to whom such erection, obstruction, or encroachment belongs, or who has erected the same, or cause it to be erected; and shall state that in the event of such notice not being complied with within ten days, the work will be done at the risk and expense of the person served with such notice. And in any case where, after service of notice as aforesaid, the person served shall not comply therewith, it shall be lawful for the Council to direct the removal of the same under the superintendence of its officer, and the cost thereof to be recovered from the person so served as aforesaid; and the person neglecting to comply with such notice shall, in addition to the cost of removal, be liable to a penalty not exceeding twenty-five pounds nor less than one pound; and in case of every successive offence, the penalty on conviction shall not be less than five pounds.

Or may proceed by action.

8. Notwithstanding the above By-law of the Council shall be at liberty to proceed by action for trespass in respect of any such excavation, obstruction, or encroachment.

To apply also to obstructions by digging, &c.

9. The provisions, remedies, and penalties contained in the last two By-laws shall apply in all cases of obstruction, injuries, or encroachments by excavating under, digging, or taking away any portion of any reserves, road, fence, street, lane, footway, thoroughfare, or place within the Borough or under the charge of the Council.

Footways may be levelled.

10. When any footway shall have been marked out in the manner herein directed, the surveyor or other person as aforesaid may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination, and may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footpath, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for the said footway.

The Improvement Committee to fix street levels.

11. The Improvement Committee, or any officer of the Council, acting under the supervision of such Committee, shall, subject to such orders as may from time to time be made by the Council in that behalf, fix and lay out the level of all public roads, streets, and ways within the Municipality, and the carriage-ways and footways thereof: Provided that there shall be no change of levels in any such public road, street, or way, until the same shall have been submitted to and certified by the Council as hereinafter directed.

Change of street levels.

12. Whenever it may be deemed necessary to alter the level more than one foot of any such public road, street, or way, as aforesaid, the Improvement Committee shall cause a plan and section, showing the proposed cuttings and fillings, to be exhibited at the Council Chambers fourteen days, for the information and inspection of the ratepayers, and shall notify by advertisement in some newspaper circulating within the Borough that such plan is open for inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman of such meeting, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

No turf, gravel, &c., to be removed from streets without permission.

13. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, gravel, sand, loam, or other material, in or from any part of the carriage or foot way of any street or road, or any reserve or any other public place within the Municipality, without leave first had and obtained from the Council or from the Mayor, or who shall wantonly break up or damage any such carriage or foot way, shall on conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Temporary stopping of traffic for repairs, &c.

14. The Mayor, or any officer or person acting under the authority of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by destroying or removing any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty and sum not exceeding five pounds.

Cellars or openings beneath the footways prohibited.

15. Any person who shall make any cellar or opening, door or window in or beneath the surface of the footway of any street or public place, unless the plans thereof have been previously submitted to and approved by the Council, and the erections and openings made to the satisfaction of the Council, shall on conviction forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window, so as the same shall not exceed fifty pounds.

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Enclosures and scaffolding.

16. If any person shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left, any hole in or adjoining to any street, road, or public place, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other buildings, or for any other purposes whatsoever, and shall not forthwith enclose the same in a good and sufficient manner, and shall keep up, or cause to be kept up and continued, any such enclosure for any time which shall be longer than shall be reasonably required, or shall not, when thereunto required by the said Council or its officer, well and sufficiently fence or enclose any such hole within twenty-four hours after he shall be required to do so by the said Council or officer, and in the manner and with such materials as they or he shall direct, and to their and his satisfaction, and shall not place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, or shall fail to place or erect a fence, rail, or boarding around any scaffolding or ladder that may be required during the repairs or erection of any building (such fence, rail, or boarding not to extend beyond the footway of the street), or fail to keep, during the existence of such fence, rail, or boarding, a light burning from sunset to sunrise at each corner of the same; then and in every case the person so offending shall on conviction forfeit and pay for every such offence, and for every such refusal or neglect any sum not exceeding five pounds or less than forty shillings.

Open spaces and steps adjoining the footways to be enclosed under penalty.

17. Every owner or occupier of any house, building, premises, or land within the said Municipality having any entrance, area, garden, or other open space adjoining the footway or public place in such Municipality, or any quarry, excavation, or opening in the ground, or any premises within six feet of any such footway or public place, shall protect and guard the same by good and sufficient fences, rails or other enclosures, so as to prevent danger to persons passing and repassing; and any such owner or occupier of any house, building, premises, or land having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent danger to persons passing and repassing; and on failure thereof any such owner or occupier as often as he shall be convicted of such offence, shall forfeit and pay any sum not being less than forty shillings nor more than five pounds; and every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid within one week after any conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.

18. Every person who shall have a well situated between his or her dwelling-house, or the appurtenances thereof, and any road, street, or footway, or at the side thereof or in any yard or place open or exposed to such road, street, or footway within the said Municipality, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the Council, or shall have been left for such person at his or her last known place of abode, or the said premises, shall on conviction forfeit and pay a sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Throwing filth on roads, driving carriages, and leading horses on footways.

19. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or remain, any dead animal, offal, dung, soil, ashes, rubbish, or any other filth or annoyance, or any matter or thing in or upon the footway or carriage-way of any street, road, lane, or other public place within the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any street or other public place, as that any blood shall run or flow upon or over or be on any carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon the footway of any street, road, or public place, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, wheel, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, ride, or stand any horse, ass, mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, and for the second and every subsequent offence a sum not less than ten shillings nor more than forty shillings.

Persons not to stand or loiter in the streets.

20. Any person or persons standing or loitering upon any of the footways or other public places in this Municipality, to the inconvenience and annoyance of the inhabitants or passers by, or in any way interrupting the traffic, and shall not discontinue to do so on being requested by any officer or servant of the Municipal Council of this Municipality, or any police officer, shall on conviction forfeit and pay a penalty not exceeding two pounds nor less than ten shillings.

21. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Borough without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Throwing filth into watercourses.

22. Any person who shall cast any filth, rubbish, or any dead animal, or any animal, with intent of drowning such animal, into any public watercourse, waterhole, river, creek, or canal, or shall obstruct or divert from its channel any sewer, canal or watercourse, within the said Municipality, shall forfeit a sum not exceeding five pounds nor less than ten shillings, and shall in addition to such penalty pay the cost of removing such filth or obstruction, or of restoring such watercourse, sewer, or canal, to its proper channel, so as the same shall not exceed fifty pounds.

Water from roofs, &c.

23. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rain-water to fall down from any roof, spout, balcony, or other projection, upon or over any street, road, lane, or footway, or shall cause or permit any such roof or rain water to be discharged by any pipe upon any such street, road, lane, or footway, shall, if such nuisance be not abated within seven days after written notice to abate the same shall have been given by the Council or its officer, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound: Provided that any tenant of such premises who shall erect any spouting or pipe in accordance with any such notice may deduct the cost thereof from the rent of the said premises.

Drains in footpaths and slopes, &c.

24. No surface drain shall be made in any footpath, nor any pipes laid under or across the same without the authority of the Council; and no such drain shall be used for the discharge into any street or roadway of any offensive liquid or matter of any kind whatsoever; and any person who shall offend against this By-law, or any owner, occupier, or tenant from whose premises suds, offensive matter, slops, or filth shall flow over or on any footway, watercourse, street, or lane, shall forfeit and pay any sum not exceeding twenty pounds nor less than one pound.

Drains for discharge of surface water from lands.

25. Every owner or occupier of land in, adjoining to, or near any street, if such land shall be so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any footway of such street, shall within seven days after the service of notice by the Council for the purpose, construct and lay from such point being near to the footway, as shall be specified in such notice and described by plan appended, a covered drain, subject to the approval of the Council when inspected by the officers appointed; and in default of compliance with such notice within the time specified, such owner or occupier shall be liable to a penalty of not less than one pound and not exceeding five pounds. And if, within seven days of such conviction, the owner or occupier shall still have failed to comply with such notice, he shall be liable to a penalty of not less than two pounds and not exceeding ten pounds; and for every additional seven days' default, such owner or occupier shall be liable to forfeit not less than five pounds and not more than twenty pounds.

Placing goods, &c., on roadway, &c.

26. If any person shall set or place, or cause or permit to be set or placed, any stall, showboard, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleansed, any cask or vessel in or upon or over any road, footway or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, dray, barrow, truck, or other carriage upon any footway, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or footways any timber, stone, brick, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinbefore directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal or other thing or matter whatsoever from any house or premises over any part of such footways or carriage-ways, or over any area of any house or premises, or any other matter or thing from and on the outside or any part of any house or

premises over or next to any such street or road, and shall not immediately remove all or any such matters or things being thereto required by the Council or any officer thereof, and shall not continue and keep the same removed; or if any person having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall, showboard, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same or any of them, or any other article or thing whatsoever (save and except as aforesaid) in, upon, or over any of the carriage or foot ways of or next unto any streets or roads as aforesaid, in every such case every person so offending shall forfeit and pay a sum not exceeding forty shillings, nor less than ten shillings; for the second offence a sum not exceeding five pounds nor less than one pound; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than two pounds.

Erection of houses, &c.—Fee for permission.

27. No person shall build, erect, put up, or remove, or cause to be built, erected, put up, or removed, any building, house, shop, warehouse, wall, or fence, fronting any public street, road, or thoroughfare, unless he shall have previously given seven days' notice in writing to the Council Clerk before commencing the same, stating his intention and describing the proposed situation of the building or erection, and shall at the time the said notice is given as aforesaid pay to the Council Clerk a fee of five shillings for permission to erect or removal any such house, shop, or building, wall, or fence in any street, lane, or other place within the said Municipal District of Waicha, and every owner thereof, and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon, without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than five shillings.

Damage to public buildings.

28. Any persons who shall damage any public building, lamp, wall, parapet, sluice, bridge, road, street, sewer, watercourse, or other property of the Council of the said Municipality, or improperly extinguish any lamp lit for public or private convenience, shall pay the cost of repairing the same; and if the same be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds, in addition to the cost of repairing the same, so as the same shall not exceed fifty pounds.

29. No person shall form, dig, or open any drain or sewer in any public road or street, lane or thoroughfare, or shall cut up the surface of any such road, street, lane, or thoroughfare, upon any pretence whatever, without leave in writing from the Mayor.

30. No person shall be allowed to throw rubbish, sweepings, or deposits of any kind whatsoever, on the streets, pathways, or gutters of the Municipality.

31. Any driver, carter, or other person who shall wilfully or negligently do, or suffer or cause to be done, any damage or injury to the kerbstones, gutters, alignment stones, or pathways of any street or roadway, or who shall drive a wheeled vehicle of any kind, or ride or drive, lead or stand, or permit to stand, any animal (other than dogs) on the pathway within the Municipality, shall upon conviction forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

32. Any person who shall damage any public building, wall, parapet, bridge, road, street, sewer, watercourse, sluice, pump, fountain, cock, water-pipe, shoot, embankment, or other public property in the possession of the Council, shall pay the costs of repairing the same, and if such damage be wilfully done, shall forfeit and pay a sum of not less than five shillings and not exceeding ten pounds.

33. Any person who shall wantonly or maliciously break or injure any lamp or lamppost, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the same or injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

Riding in drays, careless driving, &c.

34. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street, road, or thoroughfare within the said Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted), or if the driver of any carriage whatsoever shall negligently be at a distance from such carriage, or in such situation whilst it shall be passing along such street, road, or thoroughfare that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, bridge, or thoroughfare; or if any persons shall in any manner wilfully prevent any other person or persons from passing him, or any carriage under his care upon such street, road, or thoroughfare, or by negligence or mis-

behaviour prevent, hinder, or interrupt the free passage of any carriage in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Interrupting free passage, &c.—Driving on wrong side of road, &c.

35. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse, and driven or guided with reins only accepted), or if the driver of any carriage whatsoever shall wilfully be at such distance from such carriage, or in such a situation whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses, or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Riding or driving furiously.

36. Any person who shall ride or drive through or upon any street, road, or other public place within the said Municipality negligently, carelessly, or furiously shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Riding or driving round corners, &c.

37. Any person who shall ride or drive round the corner of any street, road, or public place within the said Municipality at a pace faster than a walk, shall on conviction forfeit and pay a sum not exceeding two pounds for every such offence.

Breaking horses, &c.

38. It shall not be lawful for any person or persons in any street, road, or public place within the said Municipality to drive any carriage or carriages, for the purpose of breaking, trying, or exercising horses, or to ride, drive, or lead any horse, mare, or gelding for the purpose of airing, exercising, trying, breaking, showing, or exposing for sale any such horse, mare, or gelding, otherwise than by passing quietly through such streets or public places: Provided further that no person or persons shall be allowed within the said Municipality to furiously or carelessly drive any horse, mare, or gelding to or from any public watering place, creek, or river, or pasture or elsewhere; and the person or persons in charge thereof shall be prima facie presumed to be the owner of the said animal or animals, and shall be liable accordingly; and every person so offending shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Drawing or trailing timber, &c.

39. Any person who shall haul or draw, or shall cause to be hauled or drawn upon any of the streets, roads, or public ways or places within the said Municipality, any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled carriage or barrow, to drag or trail upon any part of any such street, road, or public place, to the injury thereof, or to hang over any part of such carriage or barrow so as to occupy or obstruct the street or road shall upon conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings, over and above the damage occasioned thereby.

Hours for driving cattle.

40. No person shall drive or cause to be driven through any street or public thoroughfare of the said Municipality any live stock between the hours of eight o'clock a.m. and two p.m., or between the hours of four o'clock p.m. and nine p.m., except calves and foals under the age of one year, quiet milch cows, horses or cattle broken to saddle or draught, and pigs, sheep, and goats; and any person or persons who shall drive, or cause to be driven, any live stock except those above mentioned through any street or thoroughfare of the Municipality, between the hours above mentioned, shall forfeit and pay a sum not exceeding five pounds for every such offence.

Horses, cattle, &c.

41. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within forty yards of any street, dwelling-house, or public place within the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of the like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place within the said Municipality, excepting on the permanent and temporary common, shall forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Inspector may impound.

42. The Inspector of Nuisances, or any other person duly authorized by the Council, shall have power to impound in the Walcha Public Pound all animals of every description found straying in any street, roadway, or thoroughfare within the said Municipality of Walcha.

Burning shavings, &c., in the streets.

43. Any person who shall burn any shavings, rubbish, or any other matter or thing in any road, street, lane, or public place within the said Municipality, or who shall, within ten yards of any dwelling-house, burn rags, bones, corks, or other offensive substance, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Placards not to be affixed on walls nor bridges without consent.

44. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence or other erection, or deface any such wall, house, fence, bridge, or erection with chalk, paint, or other matter, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence, shall forfeit and pay a sum not exceeding twenty shillings nor less than five shillings. Any person or persons who shall wantonly or maliciously break or injure any lamp, or lamppost, or injure or extinguish any light set up for public safety and convenience within the said Borough, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay any sum not less than one pound nor more than five pounds.

No rock to be blasted without notice to the Mayor, &c.

45. Any person who shall be desirous of blasting any rock within fifty yards of any road, street, public place, or private dwelling within the said Municipality, shall give notice in writing twenty-four hours previously to the Mayor or any two Aldermen, who shall appoint a time when the same shall take place, and give such directions as he or they may deem necessary for the public safety; and if any person shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him by the Mayor or any two Aldermen aforesaid, he shall on conviction forfeit and pay for every such offence any sum not less than one pound nor more than ten pounds.

Cleansing private avenues.

46. Any owner or occupier of any house or place and premises who shall neglect to keep clean all private avenues, passages, yards, and ways within or leading to the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Placing dead animals on premises.

47. Any person who shall place, or who shall cause or suffer to be placed, upon any land or premises within the said Municipality any dead animal, blood, offal, night-soil, or other offensive matter, shall on conviction suffer and pay a penalty not exceeding five pounds nor less than ten shillings for every such offence.

Allowing dead animals to remain on premises.

48. Any owner or occupier of any land or premises who shall suffer or permit any dead animal, blood, offal, night-soil, or any other offensive matter to remain upon the said land or premises after notice shall have been given by the Inspector of Nuisances to remove the same, shall be subject to a penalty of not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Hog-styes and nuisances not removed on notice, &c.

49. In case any privy, hog-sty, any sink, cesspool, yard, or enclosure, or any matter or thing which shall at any time be in any place within the said Municipality, shall be or become a nuisance, it shall be lawful for the Council, or for the Inspector of Nuisances or other officer of the Council, after due investigation, by notice in writing, to order the removal of the said nuisance within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance is situated, or shall have been left for such owner or occupier at his or her last or usual place of abode, or on the said premises; and every such owner or occupier refusing or neglecting to remove or abate such nuisance, pursuant to such notice, and to the satisfaction of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than forty shillings.

Penalty for not removing offensive matter on notice.—Council may abate nuisance.—Right of entry for such purposes.

50. Any person who shall suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain in any cellar or place within any dwelling-house or premises within the said Municipality for the space of twenty-four hours after written notice to him or her from the Inspector of Nuisances or other officer of the Council to remove the same, or shall allow the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than

ten shillings, and a further sum of ten shillings for every day the offence shall be continued; and the Council may remove or abate, or cause to be removed or abated, every such nuisance, and do what shall be needful for preventing a continuation or recurrence thereof; and the officers of the said Council shall, for such purpose, have power from time to time to enter any house or premises; and the expenses incurred in carrying out the provisions of the By-law shall be paid to the Council by the occupier or owner of the premises upon which the same exists, in addition to the penalty aforesaid, so as the same do not exceed fifty pounds in the whole.

Cleansing butchers' shambles, &c.

51. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or for any other officer appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shops, soap and candle manufactories, private avenues, passages, yards, and ways within the premises of any owner or occupier, &c., fellmongering establishments, and tanneries within the said Municipality, and to give such direction with respect to the cleansing of the same, respecting both within and without, as to him shall seem needful. And any owner or occupier of any such premises aforesaid who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Planting trees, &c.

52. The Council shall have power to plant trees on the public streets and ways of the Municipality, and shall reserve the power to grant permission to any person so to do. Any person who shall wilfully and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, or pull down, destroy, deface, or injure any marks, or any fence, or other erections under the management of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Newly slaughtered carcasses.

53. Every person who, within the said Municipality shall carry or convey, or cause to be carried or conveyed, in any public street or place, the carcase, or any part of the carcase, of any newly slaughtered animal, without sufficient and proper cloth or covering to conceal the same from public view, shall be liable on conviction to a penalty of any sum not exceeding forty shillings for every such offence.

Bathing prohibited within certain limits.

54. Any person who shall bathe near to or within view of any inhabited house, public bridge, street, road, or other place of public resort within the limits of the said Municipality between the hours of six o'clock in the morning and eight in the evening shall on conviction forfeit and pay for every such offence a sum not exceeding twenty shillings.

Weeds.

55. Any person appointed by the Council may enter upon any lands within the said Municipality to extirpate the weed known as Bathurst burr, Scotch thistle, sweet-briar, or other noisome weeds, and the expense of extirpating such weeds may be recovered as an ordinary debt from the owner or occupier of such lands. Any person hindering or obstructing any person so appointed as aforesaid shall for every such offence be liable to a penalty of forty shillings. All owners or occupiers of property within this Municipality shall remove and burn all kinds of thistles, Bathurst burr, sweet-briar, or other noisome weeds, upon lands owned, rented, or occupied by them; and any owner, tenant, or occupier neglecting to comply with this By-law after seven days' notice from any officer of the Municipality requiring him to remove and burn such weeds as aforesaid, shall be liable to a penalty of not less than twenty shillings, and not exceeding five pounds.

Obstructing public pathways.

56. If the owner or occupier of any premises situate on the side of any street or road in this Borough shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footway, street, or road, and on demand made by the Council or their overseer or inspector, shall not cut or cause to be cut, lop or cause to be lopped, all such trees, shrubs, or plants, the said Council and their servants and workmen may cut or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs, so cut or lopped without being deemed a trespasser or trespassers; and the Council may recover the cost of such work from the owner of the premises; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants or workmen in carrying out this By-law, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds.

Musicians to move on.

57. Any street musician or vocalist, who shall not, when requested by any householder within the Municipal District of Walcha, or his servant, or by any officer or servant of the Council of the Municipal District of Walcha aforesaid, or by any police officer, depart from the neighbourhood of the premises of such householder, shall be liable to a penalty not exceeding two pounds.

Indecent exposure of person.

58. Any person who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality or in view thereof shall on conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

59. Every person who, in any street or public place or passage, within the said Municipal District of Walcha, shall commit any of the following offences, shall on conviction for any and for every such offence forfeit and pay a penalty of not more than two pounds.

Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

Every person who shall carry or convey, or cause to be carried or conveyed in any street or public place the carcase or any part of the carcase of any slaughtered animal without sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.

Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.

Every person who shall throw or cast from the roof or any part of any house or other building, any slate, brick, wood, rubbish, or other material or thing (unless within a board or enclosure when any house or building is being erected, pulled down, or being repaired).

Every blacksmith, metal-founder, lime-burner, brick-maker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening within one hour after sunset so as effectually to prevent the light from showing through the doorway, window, or a perture next or upon such street, lane, or passage.

Every person who shall within the distance of one hundred yards, from any dwelling-house, barn any rags, bones, cork, or any offensive substance (garden refuse excepted) to the annoyance of any inhabitant.

Every person who shall carry goods, tools, implements, ladders, scaffolding, or any frame upon any footway to the annoyance of any person.

Every person who shall be a keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or other place within the said Municipal District of Walcha.

Suppression of Nuisances.

60. No householder or resident shall be permitted under a penalty of any sum not exceeding ten pounds, to allow his or her premises, yards, closets, or drains to be offensive or a nuisance to the neighbouring householders or residents.

61. No noisome or offensive trade shall be permitted, under a penalty of any sum not exceeding ten pounds, to be carried on in any premises, to the inconvenience or annoyance of the residents of neighbouring or adjoining houses or premises.

62. Upon representation by any respectable householder that the house, premises, yard, closets, or drains of the neighbouring or adjoining premises are a nuisance, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of, and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose, and if any such premises be found to be a nuisance, notice in writing shall be given to the proprietor or resident of such premises, that if, within seven days after the service of such notice, the nuisance shall not be removed, the proprietor, tenant, or occupant of the aforesaid premises, shall upon conviction be liable to any penalty not exceeding twenty pounds.

Exposing infected articles.

63. Any person who shall expose, or cause to be exposed, in any street, road, or public place, or unenclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Premises in a state to endanger public health—Houses to be purified on certificate of two medical practitioners.

64. If, upon the certificate of any two duly qualified medical practitioners, it appears to the Council that any house, or part thereof, or of the premises occupied in connection therewith, within the said Municipality, is or are in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious diseases, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash cleanse or purify the same, as the case may require, and if the person to whom notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he or she shall be liable to a penalty not exceeding ten shillings for every day during which he or she continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Inspector of Nuisances may take legal proceedings.

65. The Inspector of Nuisances, or other person appointed by the Council, may, without any other authority than these By-laws, take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Penalties to be paid over to Treasurer.

66. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipality, to be appropriated as the Council may direct.

Interpretation of "Mayor" and "Municipality."

67. Whenever in any of these By-laws the word "Mayor" is made use of, it shall, unless a context shall indicate a contrary distinction, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the word "Municipality" is made use of in the said By-laws it shall be understood to signify the "Municipal District of Walcha."

As to interference with officer of the Council in enforcing By-laws.

68. Any person who shall obstruct or interfere with any officer of the Council or other person doing or performing any duty or act under any of the By-laws of the said Municipality, shall forfeit and pay a penalty of not exceeding twenty pounds nor less than two pounds.

These By-laws were made and passed by the Municipal Council of Walcha, and the Seal of the Municipality was authorized to be affixed thereto, on the 1st day of July, one thousand eight hundred and ninety.

(L.S.) ROBERT HAMILTON,
Mayor.

JNO. MAULE HILL,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF MURRURUNDI—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 2nd December, 1890.

MURRURUNDI MUNICIPALITY.—BY-LAWS.

The following By-laws, made by the Council of the Municipal District of Murrurundi, under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS OF THE MUNICIPAL DISTRICT OF MURRURUNDI.

PART I.

Meetings of Council

1. The Council shall meet for the transaction of business on every alternate Friday, at 8 o'clock p.m., unless such day shall happen on a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Standing Orders of the Municipality of Murrurundi.

2. The Chairman shall preserve order, and his decision on disputed points of order shall be final.

3. When the Chairman is required or called upon to decide a point of order or practice, he is to state the rule, custom, or precedent applicable to the case without argument or comment.

4. The Mayor or Chairman for the time being may take part in all the proceedings of the Council.

5. The Mayor or Chairman shall put all questions to the meeting, and declare the sense of the Council thereon.

6. The Mayor or Chairman for the time being, in case of an equality of votes upon any division, shall give a casting vote in addition to his vote as Alderman.

7. If two or more members rise to speak at the same time, the Chairman shall decide which member is entitled to pre-
audience.

8. The Chairman may, without waiting for the interposition of any member of the Council, call to order any member proceeding to speak a second time on the same question, except in explanation and without introducing any new matter.

9. The Council shall vote by show of hands, but any Alderman may call for a division upon any question.

10. The Chairman shall, on every motion made and seconded, put the question first in the affirmative and then in the negative, and he may do so as often as may be necessary to enable him to form and declare his opinion from the show of hands as to the majority.

11. In special cases, such as the accepting of tenders, the appointment of Committees or any officers, the Council may, if they deem it expedient, have recourse to the ballot (which may be done on motion without notice), and cause the names of the tenderers or candidates to be written on slips of paper, of which

one shall be handed to each Alderman; having struck out the names of all but those for whom he votes, each Alderman shall fold his paper and hand it to the Chairman. The ballot papers having been first mixed, so as to prevent identification, shall then be examined by the Chairman in the presence of the Aldermen, and the result ascertained and recorded.

12. Every member shall stand when speaking and address the Chair.

13. Except in Committees, no member shall speak twice on the same question, unless in explanation, when he has been misrepresented or misunderstood: Provided, however, that the mover be allowed to reply, and that every member shall be entitled to speak once upon every amendment as well as on the original motion.

14. No Alderman, when discussing any matter, shall be interrupted unless by a call to order, when he shall sit down; the Alderman calling him to order shall then be heard, and the question of order decided before the debate or any other business is resumed.

15. No Alderman shall digress from the subject under discussion, nor make personal reflections on members, nor impute motives; and all personal reflections shall be considered highly disorderly, and any member so offending shall be required by the Mayor or Chairman to withdraw the expression, and to make a satisfactory apology to the Council or Committee thereof.

16. In all divisions every member present shall be compelled to vote.

17. All divisions of the Council shall be entered in the minutes of proceedings.

18. Any member may require the question or matter under consideration or discussion to be read for his information at any time during the debate, but not so as to interrupt any other member while speaking.

19. The order of the day shall include all business of which due notice has been given, and all matters arising out of former meetings of the Council.

20. Any motion entered on the business paper, and the Alderman who has given notice of the same being absent, and no Alderman having been deputed to bring it forward, such motion, when business is called in order, shall be permitted to lapse.

21. A debate may be adjourned to a later hour of the same day, or to another day specified, and the member moving the adjournment shall be entitled to precedence on the resumption of the same.

22. If the Mayor be not present within ten minutes after the time appointed for the meetings of the Council, any Alderman may be elected Chairman for that particular meeting.

23. The business of each ordinary meeting of the Council shall be transacted in the following order, viz. :—

1. The reading and confirmation of the minutes of the previous meeting.
2. The reading of official correspondence.
3. The presentation of petitions.
4. Reports brought up from Committees.
5. Miscellaneous business.
6. Motion of which notice has been given.
7. Notices of motion.
8. Order of the day.

24. Any number of amendments may be proposed on a motion before the Council, and when more than one amendment is moved and seconded the question shall be first put on the last amendment, and then on the next to the last, and so on in the reverse order in which they are moved, except when such motion or amendment shall relate to the fixing of salaries, rates, or other matters of finance, in which case the lowest sum shall be put first, then the next to the lowest, and so on to the highest.

25. Any motion for adjournment, if seconded, shall be put from the Chair, but if such motion be negatived it shall not be competent for any member to make a similar motion until half an hour at least shall have elapsed from the moving of the one that has been negatived.

26. No motion or amendment shall be discussed until it be seconded.

27. All notices of motion shall be signed, dated, and given to the Council Clerk four days previous to meeting, and shall be considered the property of the Council, and shall not be withdrawn without leave of the Council.

28. No motion the effect of which if carried would be to rescind any motion which has already passed the Council, shall be entertained for a period of three months from the date of such resolution, excepting matters connected with public works, unless a call of the Council has been duly made for that purpose; and no motion for rescinding any resolution of the Council which has been negatived shall be again put for three months from the time it has been so negatived.

Petitions.

29. On the presentation of a petition no debate shall take place until notice has been given in the usual manner, and the only question that can be entertained by the Council on the day of its presentation shall be that the petition be received, or that it be referred to a committee.

30. It shall be incumbent on any member presenting a petition to acquaint himself with the language thereof, and to report to the Council that he considers it unobjectionable.

31. That all petitions be received only as the petitions of the parties signing the same.

Committees.

32. Besides such Special Committees as may from time to time be found necessary there shall be two standing Committees, namely, a Finance and an Improvement Committee.

33. All Committees of the Council shall consist of three members, two of whom shall form a quorum. The Mayor shall be a member of all Committees.

34. The Mayor, as Chairman of every Committee, shall be convenor thereof, and may direct the Council Clerk to call meetings whenever he shall think it expedient.

35. The appointment of Special Committees shall continue until the specific duty for which they are appointed shall have been discharged: Provided that such Committee may at any time be dissolved by a vote of the Council.

36. The orders of the Council shall be observed in Committee of the whole Council, except the order limiting the number of times speaking.

37. Every report of a Committee shall be signed by the Chairman thereof.

38. The Finance Committee, in addition to the duty of examining all accounts, shall deliberate and report on all questions affecting the finances of the Municipality which may be committed to it by a resolution of the Council. It shall be the duty of this Committee to watch generally over the financial affairs and administration of the Municipality; and it shall have the right of calling the attention of the Council by a report to any matters connected with such administration which may seem to require such attention.

39. The Improvement Committee shall have the general inspection of all public works in progress throughout the Municipality, and shall have the right of calling the attention of the Council by report to any matters connected with such works, or with the state of any public thoroughfare which may require such attention. It shall also consider and report upon any questions of an analogous nature to those which may be referred to it by a resolution of the Council.

40. Every Committee shall have a right to take evidence upon any question or questions of fact referred to it by a resolution. A minute of the evidence thus taken, or of its substance, must however in all cases of this character be appended to the Committee's report.

41. The Standing Committees shall be appointed within thirty days after the commencement of each Municipal year.

42. Any member moving for a Special Committee may propose certain Aldermen as members of the same, but if demanded the selection of the Committee shall be made by ballot.

43. Every member proposing the appointment of a Select Committee, and naming its proposed members, must name himself as one of them.

Miscellaneous.

44. In cases where security is required by the Municipalities Act of 1867, the sureties offered shall be approved of by the Council, and it shall not be competent for them to accept as surety any of its members, or any person holding office under the Council; and in all cases in which security for due and faithful performance of any duty or contract is required, the expenses of preparing the bond of such security shall be borne by the Council.

45. No work affecting the funds of the Corporation shall be undertaken until the probable expense be first ascertained by the Council; and all accounts to be paid by the Council shall be examined by the Finance Committee, and reported on by them before any warrant shall be issued for the payment thereof: Provided always that in cases of emergency, the Mayor, with the assent of any three Aldermen, may authorise the expenditure of any sum not exceeding ten pounds, and such expenditure shall be reported to the Council at next sitting.

46. The Treasurer's accounts and the bank-book of the Council shall be laid before the Council as often as required.

47. No officer appointed by the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council without leave from such Council except as otherwise provided by law.

48. No By-laws shall be decided on without due notice, as in cases of motions.

49. Any member may record his protest against any decision of the Council, provided the same be made in writing before the next meeting of the Council and couched in respectful language and be consistent with truth. Notice of such intention however must be given on the adoption of the resolution.

50. No election to any paid office at the disposal of the Council shall take place until seven days' notice be given in a local newspaper, inviting applications for the same.

51. The Council Clerk shall have the charge of the common seal of the Corporation, and shall be responsible for the safe custody and proper use of the same, each impression thereof being duly verified by the signature of that officer; and he shall not affix the seal to any corporate document without the express order of the Council, nor unless such documents have the signature of the Mayor.

52. Any one or more of the standing orders of the Council may be suspended pro tempore in cases of emergency: Provided that the majority of the members present deem it necessary.

Collection of rates.

53. The rates shall be levied and collected yearly, and shall be held to be due and payable on and after such day as the Council shall by resolution appoint from time to time.

54. All persons liable to pay any rates or assessments shall pay the amount within the time prescribed by the Act into the office of the Council Clerk during office hours, viz., from 10 to 12 a.m., and 2 to 4 p.m., on Wednesdays and Saturday.

55. It shall be the duty of the Council Clerk to furnish the Council with a list of the names of all persons whose rates are unpaid at the expiration of the notice thereof given pursuant to the Municipalities Act of 1867.

The Bailiff and his duties.

56. The Bailiff shall be appointed by a resolution of Council, and may at any time be removed in a similar way.

57. The Bailiff shall find two sureties to the satisfaction of the Mayor to the extent of fifty pounds each, for the faithful performance of his duty.

58. The Bailiff shall make all levies and distresses for the recovery of rates, under warrant in the form of the schedule hitherto annexed and marked with the letter A, under the hand of the Mayor or any person who may for the time being be duly authorised to perform the duties of that office.

59. At the time of making a distress, the Bailiff shall forthwith make out a written inventory in the form or to the effect of the schedule annexed hereto, and marked with the letter B, which inventory shall be delivered to the occupant of the land or premises or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress has been made, and in case there shall be no person at such place with whom such inventory can be left as aforesaid,

then such inventory shall be posted on some conspicuous part of the land or premises on which the distress has been made; and the Bailiff shall give a copy of the inventory to the ratepayer, on demand, at any time within one month after the making of such distress.

60. It shall be lawful for the Bailiff and such assistance as he may take with him to enter in to any part of the land, building, tenement, or other property in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof; and if the sum for which such distress shall have been made or taken shall not be paid on or before the expiration of five days, it shall be lawful for such Bailiff to sell the goods so distrained or a sufficient portion thereof by public auction, either on the premises or at such other place within the Municipality as the Bailiff may think proper to remove them to for such purpose, and the surplus, if any, that may remain after deducting the amount of the sum distrained for, together with the expenses attendant upon such distress, shall be paid over on demand to the owner of the goods so sold: Provided always, that nothing herein contained as to the time of sale, shall apply to any corn, grass, hops, roots, fruits, pulse, or other products whatever which may be growing at the time of the same being seized as a distress.

61. The Bailiff in making a distress as aforesaid may impound or otherwise secure the distress so made, of what nature or kind soever it may be, in such places, or in such part of the land or premises chargeable with the rate as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where the distress shall be impounded and secured as aforesaid in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

62. The owner of any goods so distrained upon may at his or her option direct and specify the order in which they shall be successively sold, and the said goods and chattels shall in such case be put up for sale according to such direction.

63. The Bailiff shall hand over to the Council Clerk all proceeds of such distresses within forty-eight hours after having received the same.

64. The Bailiff, with the sanction of the Mayor of the Municipality, may authorise any person to act temporarily as his deputy, and the person thus authorised shall have and exercise for the time being all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every case be held responsible for the acts of such deputy.

65. The Bailiff shall be paid for every levy made under these By-laws according to the schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, the Mayor of the Municipality of Murrurundi, do hereby authorise you _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house or in and upon the lands and premises of _____, situate at _____ for the sum of _____ being the amount of municipal rates due to the Municipality to the _____ day of _____, for the said dwelling-house, land, or premises, as the case may be, and to proceed thereon for the recovery of the said rates according to law.—Dated this _____ day of _____, 18 _____.

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the name of the Mayor of the Municipality of Murrurundi, dated _____, distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the Municipality of Murrurundi, for the sum of _____, being the amount of rates due to the said Municipality to the _____ day of _____, 18 _____.

Bailiff.

SCHEDULE C.

Fees to Bailiff.

For making entry and inventory, three shillings; if in possession more than five hours, three shillings additional; and for every subsequent day whilst in possession, five shillings, and five per cent. on the net amount of sale, in addition to cost of advertisements (if any).

PART II

Suppression of Nuisances.

Allowing slops filth, &c., to flow, and nuisances to accumulate.

66. That if any person shall throw, deposit, place, or leave or permit, or suffer to run or flow any night-soil, offal, putrid meat or fish, or entrails of fish, carron, dead animals, blood, dung, manure, oyster-shells, bones, broken glass, earthenware, china, cut or broken pieces of tin, zinc, hoop-iron, dust, ashes, paper, straw, refuse of fruit or vegetables, or other offensive or dangerous matter or thing, or earth thrown out from excavations into or upon any public thoroughfare, court, market, streets, lane, highway, or reserve within the said Municipality, or into any drain, channel, sink, creek, well, or watercourse, or any enclosed land or private premises occupied either by himself or any other person within the said Municipality, or shall allow any such or any deleterious matter or thing whereby the health and safety of the inhabitants might be endangered to accumulate or remain upon any private premises, land, or property within the said Municipality; every person so offending shall for such offence forfeit, and pay a fine or sum of ten shillings, and for every subsequent offence shall forfeit and pay a fine or sum not exceeding five pounds nor less than forty shillings.

Sweeping gravel off footpaths.

67. Any person sweeping gravel from off the footpath into any gutter or roadway shall be fined in a sum not exceeding one pound nor less than five shillings.

Throwing filth on roads, driving carriages, and leading horses on footways.

68. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or remain, any dead animal, offal, dung, soil, ashes, rubbish, or any other filth or annoyance, or any matter or thing in or upon the footway or carriage-way of any street, road, lane, or other public place within the said Municipality; or shall kill, slaughter, dress, scald, or cut up any beast or swine, calf, sheep, lamb, or other animal in or so near to any street, road, lane, or other place as that any blood shall flow or run upon or over, or be on any such footway or carriage-way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon the footway of any street, road, lane, or other public place, any waggon, cart, dray, sledge, or other carriage or any wheelbarrow, wheel, or truck, or any hoghead, cask or barrel, or shall wilfully lead, drive, ride, or stand any horse, ass, mule, or other beast upon any such footway shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, and for the second and every subsequent offence a sum not less than ten shillings nor more than forty shillings.

Burning shavings, &c., in the streets.

69. Any person who shall burn any shavings, rubbish, or any other matter or thing in any road, street, lane, or public place within the said Municipality, or who shall, within ten yards of any dwelling-house, burn rags, bones, corks, or other offensive substance shall for every such offence forfeit any pay a sum not exceeding forty shillings nor less than five shillings.

Cleansing private avenues.

70. Any owner or occupier of any house or place who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Placing dead animals on premises.

71. Any person who shall place, or who shall cause or suffer to be placed, upon any land or premises within the said Municipality, any dead animal, blood, offal, night-soil, or other offensive matter, so as to become a nuisance to the inhabitants thereof, shall on conviction suffer and pay a penalty not exceeding five pounds nor less than ten shillings for every such offence.

Allowing dead animals to remain on premises.

72. Any owner or occupier of any land or premises who shall suffer or permit any dead animal, blood, offal, night-soil, or any other offensive matter to remain upon the said land or premises after notice shall have been given to remove the same, shall be subject to a penalty of not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Hog-styes and nuisances not removed on notice.

73. In case any hog-sty, privy, cowyard, stable, sink, cesspool, yard, or enclosure, or any matter or thing, which shall at any time be in any place within the said Municipality, shall be or become a nuisance it shall be lawful for the Council, after due investigation, by giving notice in writing, to order the removal of the said nuisance within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance is situated, or shall have been left for such owner or occupier at his or her last or usual place of

abode, or on the said premises; and every such owner or occupier refusing or neglecting to remove or abate such nuisance, pursuant to such notice, and to the satisfaction of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than forty shillings.

Hours for removing night-soil.

74. Any person who within the said Municipality shall remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose between the hours of five o'clock in the morning and eleven o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor otherwise than in properly covered and water-tight carts or vehicles, or in such a manner as to upset, cast, spill, or strew any of said night-soil, ammoniacal liquor, slop, urine, or filth in or upon or near to any streets, roads, public places, or footways of the Municipality, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter nearer to any street, road, or dwelling-house than shall from time to time be directed by the Council or by the Inspector of Nuisances, or shall allow vehicles used for that purpose to stand on any premises nearer to any road, street, or dwelling-house than shall from time to time be directed by the Council or Inspector of Nuisances, shall upon conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound; and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicle employed in and about emptying or removing such night-soil, bones, or other offensive matter, and also the employer or employers of the person or persons so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Penalty for not removing offensive matter on notice.—Council may abate nuisance.—Right of entry for such purpose.

75. Any person who shall suffer any waste or stagnant water, or any muck, filth, soil, and other offensive matter to remain in any cellar or place within any dwelling-house or premises within the said Municipality for the space of twenty-four hours after written notice to him or to her from the Inspector of Nuisances, or other officer of the Council, to remove the same, or shall allow the contents of any water-closet, privy, or cess-pool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than ten shillings, and a further sum of ten shillings for every day the offence shall be continued. And the Council may remove or abate, or cause to be removed or abated, every such nuisance, and do what shall be needful for preventing a continuation or recurrence thereof. And the officers of the said Council shall for such purpose have power from time to time to enter any house or premises, and the expense incurred in carrying out the provisions of the By-law shall be paid to the said Council by the occupier or owner of the premises upon which the same exists in addition to the penalty aforesaid, so as the same do not exceed fifty pounds in the whole.

Cleansing butchers' shambles, slaughter-houses, &c.

76. For preserving the cleanliness of said Municipality, and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion to visit and inspect the butchers' shambles, slaughter-houses, tanneries, fellmongering and boiling-down establishments in the said Municipality, and to give such directions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and boiling-down establishments both within and without as to him shall seem needful; and any butcher, or the owner, or the occupier of any such shamble, slaughter-houses, tanneries, or boiling-down establishments who shall refuse or neglect to comply with such directions within twenty-four hours or reasonable time given, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Closets, stables, &c., privies or closets to be provided for every building.

77. Every building already built, or hereafter to be built, shall be provided with sufficient privy or closet accommodation for the sole use of the occupants of such building; and no closet or privy shall be built except in such place as shall be approved in each case by the Inspector of Nuisances.

Insufficient privy accommodation.

78. If the Inspector of Nuisances shall be of opinion that there is not sufficient privy or closet accommodation to meet the requirements of the occupants of any building or premises, or of the persons employed therein, he shall cause a notice to such effect to be served upon the owner or occupier of such building or premises, together with full particulars of the extra accommodation in his opinion necessary; and if any such owner or occupier shall not within thirty days from the service of such notice cause the accommodation therein specified to be provided, he or she shall for every day after the said time during which such building or premises shall remain occupied, or such person be employed therein, be liable to a penalty of a sum not

exceeding twenty pounds and not less than two pounds; and in all cases the onus of proving that such building or premises are not occupied, or that such persons are not employed therein, shall be upon the said owner or occupier.

Extirpation of noxious weeds.

79. Any owner or occupier of land within the said Municipality who shall permit or suffer to grow or remain on the said land the weeds known as the Bathurst Burr and Scotch Thistle or other noxious weeds, and who shall fail to extirpate, remove, or destroy the same within ten days after the receipt of a notice in writing by post or otherwise from the Council or proper officer of the Council so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Apertures to be closed after sunset.

80. Any blacksmith, whitesmith, anchor-smith, nailmaker, metal-founder, lime-burner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture, fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window, and closing such aperture, or placing a screen before the same every evening within one hour after sunset so as effectually to prevent the light from showing through the doorway, window, or aperture, next or upon such street, lane, or passage, for so offending shall forfeit and pay a fine or sum not exceeding five pounds and not less than one pound.

Power of entry of inspection, &c.

81. The Mayor, Surveyor, Health Officer, Inspector of Nuisances, or any person authorised by them, or either of them, shall be entitled at any time between the hours of 9 a.m. and 5 p.m. to enter upon any premises for the purpose of inspecting any portion of the said premises in the Municipality, or for the better carrying into effect these By-laws.

Noisome or offensive trades—No noisome or offensive trades to be carried on to injury of any inhabitant.

82. No person shall carry on any noisome or offensive trade or calling within the said Municipality so as to injure or be a nuisance as hereinafter stated to any of the inhabitants thereof; and the business of a soap-boiler, tallow-melter, boiler-down, gluemaker, tanner, currier, or cow-keeper, or any other business, manufacture, trade, calling, or operation, in the conducting, following, or carrying on of which, or in connection therewith or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to any of the inhabitants of the said Municipality, shall be considered a noisome and offensive trade or calling within the meaning of these By-laws; and if the Council or Mayor shall, after such inquiry as may be necessary, be of opinion that any manufacture, trade, calling, so being conducted, followed, or carried on as aforesaid, if a noisome or offensive trade or calling within the meaning of these By-laws, it shall be lawful for the said Council or Mayor to give to the person or persons conducting, following, or carrying on such trade or calling, a notice to cease and discontinue the same in such reasonable time, not being less than twenty days nor more than sixty days as the said Council or Mayor may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that in such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws to any resident within the said Municipality; and if such manufacture, trade, calling, or operation shall not be discontinued, or shall be so conducted as that it shall wholly cease to be noisome and offensive by the end of the time named in such notice as aforesaid, any person thereafter conducting, following, or carrying on such manufacture, trade, calling, or operation as aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence a sum not less than ten pounds nor more than fifty pounds.

Horses, cattle, swine, &c., not to wander about the streets.

83. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within 40 yards of any street or public place within the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal belonging to him or her, or under his or her charge, to stray or to go about or to be tethered or depastured in any street, road, or public place within the said Municipality, shall forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings: Provided that if, after due inquiry shall have been made, the owner thereof cannot be discovered it shall be lawful for the said Council to cause to be destroyed any swine or goats so straying or injuring property of any description.

Inspector may enter shop, &c., for certain purposes.

84. Any such inspector may, and he is hereby empowered, at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall, or place kept or used for the sale of butcher's meat or fish, and to examine any animal, carcase, meat, or flesh which may be therein, and in case any animal, carcase, meat, fish, or flesh appear to him to be intended for the food of mankind, and to be unfit for such food, they may be seized; and if it shall be made to appear to any Justice or Justices of the Peace, upon the evidence of a competent person, that any such animal, carcase, meat, fish, or flesh is unfit for the food of mankind, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food; and the person to whom such animal, carcase, meat, fish, or flesh belongs, or in whose custody the same is found, shall on conviction thereof before any two Justices of the Peace be liable to a penalty not exceeding ten pounds nor less than one pound for every carcase, animal, piece of meat, or flesh so found.

Slaughtering for sale not allowed.

85. If any butcher or other person shall slaughter or cause to be slaughtered any animal for sale in any house or place within 200 yards from any road, street, lane, or public place within the said Municipality, such butcher or other person shall on conviction before any two Justices of the Peace forfeit and pay a sum not exceeding ten pounds nor less than two pounds for each and every such animal so slaughtered.

PART III.

Streets and public places.—Public health, decency, &c.

Drawing or trailing timber.

86. Any person who shall draw any timber, stones, or other weighty matter on or along any road, street, or highway maintained at the cost of, being under the control or management of, the Municipal Council, without the same being placed upon or entirely suspended from a wheeled carriage, or shall lock or cause to be locked the wheel or wheels of any timber carriage, dray, or other vehicle, shall upon conviction for the first offence forfeit and pay a fine or sum of ten shillings, for the second offence a fine or sum of twenty shillings, and for every subsequent offence a fine or sum of five pounds.

Furious riding or driving.

87. Any person who shall ride or drive any horse, or shall drive any horse, mule, or other animal harnessed to any cart, dray, waggon, truck, gig, or other carriage or vehicle, within the said Municipality, furiously as to create alarm and danger to the public, or to endanger the safety of himself or any other person on any public thoroughfare in the said Municipality, shall upon conviction forfeit and pay a fine or sum of ten shillings for the first offence; for the second offence, a fine or sum of twenty shillings; and for every subsequent offence, a fine or sum of forty shillings.

Fencing and obstructing streets, &c.

88. Any person or persons who shall fence across, or fence in any way, or obstruct any public street, road, lane, thoroughfare, or highway within the said Municipality, shall upon conviction forfeit and pay a fine or sum of not less than two pounds nor more than five pounds for every such offence.

Removing fence obstruction.

89. Any person trespassing by erecting a fence on any public street, thoroughfare, or lane, and any person leaving any fence or other obstruction erected or placed on any street, road, or lane in any part of the said Municipality, shall be compelled to remove the same within three months after notice to that effect has been duly served on the parties, subject to the fine or penalty of five pounds for every week the same may remain after the expiration of the time stated in such notice.

Encroachment on streets and lanes, &c.

90. Any person encroaching upon any public street, thoroughfare, or lane by erecting, or causing to be erected, any house or building, in whole or any part thereof, shall for every such offence forfeit and pay a sum not less than ten pounds nor exceeding twenty pounds; and in the event of such obstruction being permitted to remain one month after such conviction and notice to remove the same, a further fine or penalty of one pound each day shall be inflicted whilst such obstruction remains agreeably with the provisions of 2nd Victoria, No. 2, section 4S; also such obstruction or obstructions may be removed by order of the Mayor or his deputy, at the cost of the party or parties so offending.

Removal of turf, gravel, or other material, &c.

91. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stones, or other material in or from any part of the carriage or foot way of any street or other public place within the said Municipality without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot way shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Cellars, &c., not allowed under footways.

92. Any person who shall make any cellar or any opening, door, or window in or beneath the surface of the footway of any street or public place within the said Municipality shall, on conviction, forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window.

Works in progress.

93. Any person or persons who shall dig or make or cause to be dug or made any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Municipality for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any other purpose whatever, or shall erect or pull down any building, and shall not forthwith enclose the same, and keep the same enclosed in a good and sufficient manner to the satisfaction of the Improvement Committee of the said Municipality, or keep up or cause to be kept up and continued such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights on each side of the said enclosure and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Covering wells.

94. Every person who shall have a well situated at the side of any road, street, or footway within the limits of the said Municipality, or in any yard or place open or exposed to such road, street, or footway shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or for such person at his or her usual or last known place of abode, or on the said premises, he or she shall on conviction forfeit and pay for every day after such notice that such well shall remain open or uncovered contrary to the provisions thereof the fine or sum of ten shillings.

Temporary stopping of traffic for repairs, &c.

95. Any officer or person acting under the authority of the Council may at any time cause the traffic of any street, lane, or thoroughfare or any portion thereof, to be stopped for the purpose of repairing the same, or for any purpose by special resolution of the Council; and any person or persons travelling on such street, lane, or thoroughfare or removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall upon conviction forfeit and pay a penalty of any sum not exceeding five pounds nor less than one pound.

Destroying and extinguishing lamps.

96. Any person who shall wantonly or maliciously break or injure any lamp or lamppost, or extinguish any lamp set up for public convenience in the said Municipality shall over and above the necessary expense of repairing the same or injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

Damaging public buildings, kerbing, drains, &c.

97. Any person who shall damage any public building, fence, wall, parapet, kerbing, sewer, drain, water-course, culvert, hand-rail, well, pump, toll-board, sluice, bridge, or other public property within the said Municipality, shall pay the costs of repairing the same, and if such damage be wilfully or negligently done, shall forfeit and pay any sum not exceeding ten pounds nor less than two pounds.

Destroying or injuring trees.

98. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, or root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any enclosed street, place, or fence surrounding the same, under the management of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Throwing filth, animals, &c., into water-courses, &c.

99. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent to drown the same, into any public water-course, sewer, drain, water-hole, river, creek, or canal, or shall obstruct, or divert from its channel any sewer, drain, canal, or water-course within the said Municipality, shall forfeit a sum not exceeding five pounds nor less than ten shillings; and shall, in addition to such penalty, pay the cost of removing such filth or obstruction, or of restoring such water-course, sewer, drain, or canal to its proper channel, so as the same shall not exceed fifty pounds.

Throwing slops on carriage or foot-ways.

100. Any person who shall cast or throw, or shall cause, suffer, or permit to be cast or thrown upon any carriage-way or footway any soap-suds, slops, or refuse water, or any refuse vegetables, or any other matter or thing, or shall cause, suffer, or permit the same to run or flow from any premises in his or her possession over any such footway, carriage-way, or gutter within the said Municipality, shall for every such offence forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Rain-water not to be carried on footways.

101. It shall not be lawful for any person whomsoever to carry, by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house, nor permit nor suffer any rain-water to drop from the roof of his or her premises or house upon any part of the footway of any street or public place within the said Municipality; and any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances, when required to do so by any officer of the Council, shall on conviction forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed: Provided that the occupier or owner of any such house or premises may convey any such rain-water, by means of pipes laid under the surface or by stone gutters on the surface of any such footway, into the gutters adjoining the same; and provided also that all such pipes and gutters shall be laid down to the satisfaction of and under the superintendence of the town Surveyor or any other person appointed by the Council.

Placing carriages, goods, &c., on footways.—Not removing them when required,—replacing the same after removal.

102. Any person who shall set or place, or cause to be set or placed, any stall, board, chopping-block, show-board, basket-ware, merchandise, casks, or goods of any kind whatsoever, or who shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel in or upon any carriage or foot way in any street, road, or public place within the said Municipality, or shall set, lay out, or place, or shall cause to be set, laid out, or placed, upon any coach, cart, waggon, wain, dray, sledge, wheelbarrow, handbarrow, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading any such cart, waggon, wain, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in, or upon, or over any such carriage or foot way any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed), or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat, offal, or other thing or matter whatsoever from any house or other building or premises, over any part of any such footway or carriage-way, or over any area of any house, or other building or premises or any other matter or thing, from and on the outside of the front, or any other part of any house, or other building or premises, over and next unto such street or public place, and shall not immediately remove all or any such matters, being, or things thereto required by the Inspector of Nuisances, or other proper officer of the Council; or if any person who having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall, board, chopping-block, basket-ware, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, carriage, timber, stone, lime, bricks, meat, offal, or other matter or things, shall at any time thereafter again set, lay, or place, expose, or put out, or cause, procure, permit, or suffer, to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall, board, shop-board, chopping-block, basket, wares, merchandise, goods, timber, stone, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, handbarrow, sledge, meat, offal, or other things, or matters whatsoever (save and except as aforesaid) in, upon, or over any such carriage or foot way, or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence, a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing a movable awning in front of his or her shop or house, in such a manner as that such awning shall be at least seven feet above the height of the footway, and that the posts be placed close up to the kerb-stone or outer edge of such footway.

Riding in drays, careless driving, &c.

103. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any such street, road, or thoroughfare, within the said Municipality, not having some person on foot to guide the same (such carts that are drawn

by one horse and driven or guided with reins only excepted) or if the driver of any carriage whatsoever shall negligently be at a distance from such carriage or in such situation whilst it shall be passing along such street, road, or thoroughfare, that he cannot have the direction and government of the horse, or horses, or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare, or if any person shall in any manner wilfully prevent any other person or persons from passing him, or any carriage under his care upon such street, road, or thoroughfare, or by negligence, or misbehaviour, prevent, hinder, or interrupt the free passage of any carriage in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Breaking horses, &c.

104. Any person or persons in any street, thoroughfare, or public place within the said Municipality, driving any carriage for the purpose of breaking, exercising, or trying horses or other animals, or riding any horse or other animal for the purpose of airing, exercising, trying, showing, or exposing such horse or animal for sale (otherwise than by passing through such street, thoroughfare, or public place), or training, or breaking any horse or any other animal, or wilfully leading, driving, or riding any horse or other animal upon any of the footways of any street, thoroughfare, or public place as aforesaid, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Lights to be placed on vehicles.

105. Any person driving any vehicle within the Municipality between sunset and sunrise shall carry a light on such vehicle in a conspicuous place. Anyone offending against this By-law shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

Names of owners on drays, &c.

106. The owner of every wain, waggon, van, cart, or dray plying within, into, through, or from the Municipality of Murrurundi, shall have his name and place of abode painted in full length on the off side legibly, at least two inches high and proportionally broad, in white letters on black ground. Anyone offending against the provisions of this By-law shall be liable to a penalty not exceeding two pounds nor less than five shillings for each offence.

Hours for driving cattle.

107. Any person who shall drive or cause to be driven through any street, road, reserve, or public thoroughfare, or place of the said Municipality, any live stock between the hours of 7 o'clock in the morning and 6 o'clock in the evening, except calves and foals under the age of one year, quiet milch cows, horses, or cattle broken to saddle or draught, and pigs, sheep, not exceeding in number one hundred, and goats, shall forfeit and pay any sum not exceeding five pounds nor less than one pound for every such offence: Provided that this By-law shall not apply to any horses, cattle, sheep, or swine being driven the nearest rout to the public pound for the purpose of being impounded therein.

Newly slaughtered carcasses.

108. Every person who within the said Municipality shall carry or convey, or cause to be carried or conveyed, in any public street or place, the carcass or any part of the carcass of any newly slaughtered animal, without sufficient or proper cloth or covering to conceal the same from public view, shall be liable on conviction to pay a penalty of any sum not exceeding forty shillings nor less than ten shillings for every such offence.

Bathing prohibited within certain limits.

109. Any person who shall bathe near to or within view of any inhabited house, public bridge, street, road, or other place of public resort within the limits of the said Municipality, between the hours of 6 o'clock in the morning and 8 o'clock in the evening, shall on conviction forfeit and pay for every such offence a sum not exceeding twenty shillings nor less than five shillings.

Indecent exposure of person.

110. Any person who shall offend against decency by exposure of his or her person in any street, lane, or public place within the said Municipality, or in view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings.

Who to mark out streets.

111. The Surveyor of the Municipality, or other officer or person duly authorised by the Council on their behalf, shall be the person to mark out, when and where necessary, the roads, streets, lanes, and thoroughfares, which are now, or shall hereafter be under or subject to the care, construction, or management of the Council, and give such directions as to height, slope, and breadth in each of such footways, streets, roads, lanes, or thoroughfares.

No balcony, &c.

112. Any person about to erect a verandah or balcony over a footway shall give due notice thereof to the Council, and furnish plans of the same; and no balcony or verandah shall be erected unless the construction of the same shall have been approved by the Council; no room or apartment shall be erected on such balcony.

Footways may be levelled.

113. When any footway shall have been marked out in manner herein directed, the surveyor or any other person as aforesaid may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination, and may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footway or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for the said footway.

Fixing street levels.

114. Any officer acting under the supervision and subject to such orders as may from time to time be made by the Council in that behalf, shall fix and lay out the level of all public roads, streets, and ways within the Municipality, and the carriage-ways and footways thereof: Provided that there shall be no change of levels in any such public roads, streets, or ways until the same shall have been submitted and certified by the Council as hereinafter directed.

Change of street levels.

115. Whenever it may be deemed necessary to alter the level of any such public street, road, or way as aforesaid, the Council shall cause a plan and section, showing the proposed cuttings and fittings, to be exhibited at the Council Chambers fourteen days for the information and inspection of the ratepayers, and shall notify by advertisement in some newspaper circulating within the Municipality that such plan is open for inspection; at a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Obstructing public pathways.

116. That the owner or occupier of any land situate on the side of any street or road in this Municipality who shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, so as to obstruct the passage thereof, and who, on demand made by the Council, or their Overseer or Inspector, shall not cut or cause to be cut, lopped, or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at the least, the said Council and their servants, labourers, and workmen may cut, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs so cut or lopped without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds nor less than two pounds.

Wilful trespass.

117. Every person who shall wilfully let in, or knowingly suffer to enter upon the reserves or public recreation grounds, any animals, without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

118. Any person pulling down, destroying, defacing, or injuring any marks, or any fence, or other erections thereon, without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Destroying kerb-stones, gutters, pathways, &c.

119. No driver, carter, or other person, shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to the kerb-stones, gutters, or pathways of any street or roadway; and no person shall be at liberty to drive a wheeled vehicle of any kind, or ride, or drive, lead, or stand, or permit to stand, any horse or horses, or other animals, on the pathways within the Municipality; and every person so offending shall for such offence forfeit and pay a fine or sum not exceeding one pound nor less than five shillings in excess of any damage done.

Driving and riding round street corners.

120. Any person who shall ride or drive round the corners of any street within the Municipality at a pace faster than a walk, shall on conviction forfeit and pay any sum not more than forty shillings nor less than five shillings.

Fixing placards on walls, and chalk-ing thereon.

121. It shall not be lawful for any person to paste or otherwise to fix any placards or other paper upon any wall, fence, house, or building within the limits of the said Municipality, nor to deface any such wall, house, fence, or building by chalk or paint, or in any other manner, unless with the consent of the owner thereof; and any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding one pound nor less than five shillings.

Premises in state to endanger public health.—Houses to be purified on certificate of a medical practitioner.

122. If, upon the certificate of a duly qualified medical practitioner, it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the white-washing, cleansing, or purifying of any house, or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house, or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same as the case may require; and if the person to whom notice was so given shall fail to comply therewith within such time as shall be specified in the said notice, he or she shall be liable to a penalty not exceeding ten shillings nor less than five shillings for every day during which he or she continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Drains for discharge of surface water from land.

123. Every owner or occupier of land so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any road, lane, or footway shall, within seven days next after the service of notice by the Council, abate such notice where possible; and in default of compliance with any such notice within the period aforesaid, such owner or occupier shall forfeit any sum not exceeding five pounds; and if within seven days after such conviction such owner or occupier shall still have failed to comply with such notice, or be otherwise in default as aforesaid, he shall forfeit and pay any sum not less than one pound nor more than ten pounds; and for every further such offence he shall forfeit and pay any sum not less than two pounds nor more than twenty pounds; and every such owner or occupier who shall still have made default as aforesaid for more than seven days after such second or any future convictions shall be held guilty of a further offence within the meaning of this section.

Natural water-courses.

124. Any person who shall close or intercept any natural watercourse, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved by the Council, and any person failing to comply with the provisions of this By-law shall forfeit and pay a sum not exceeding fifty pounds nor less than five pounds.

PART IV.*Preventing and extinguishing Fires.**Fire or combustible material.*

125. Every person who shall place or knowingly permit to be placed in any yard, house, workshop, out-office, or other premises within the said Municipality, fire, gunpowder, or combustible or inflammable materials of any kind in such a manner as to endanger any buildings, shall on conviction thereof for every such offence forfeit and pay a penalty of not more than five pounds nor less than ten shillings and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials, and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after such conviction, shall be deemed guilty of a further offence against this By-law.

Fireworks.

126. Every person who shall discharge any firearms within the Municipality, or who shall light any bonfire, tar-barrel, or fireworks, upon or within 60 yards of any public or private street, or public place, or shall sell gunpowder, squibs, rockets, or any other combustible matter, by gas or candle, or other artificial light within the said Municipality, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Inflammable fences, &c.

127. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as, or for the covering of any such stack, any inflammable materials so as to endanger any contiguous buildings or properties, or

any trees, shrubs, or any other produce thereof, or any chattels therein, shall forfeit on conviction for every such offence, a penalty of not more than five pounds nor less than ten shillings, and shall remove such fence, stack, or covering, within a reasonable time after any such conviction; and any person failing to remove such fence, stack, or covering within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wilfully setting fire to chimneys.

128. Any person who shall wilfully or negligently set, or cause to be set on fire, any chimney, flue, smoke-vent or stove-pipe, herein called in common a chimney, within the said Municipality, shall forfeit a sum not exceeding five pounds nor less than one pound: Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be proceeded against or prosecuted before any criminal court for such act, as for an indictable offence.

Water carters to attend and at fires.

129. Every owner or driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall if any building, premises, or property, shall be on fire within the Municipality, attend at the place of such fire with such cart loaded with water, and shall continue to cart water by full loads to such place, and shall deliver such water in such manner as may be required by the Mayor, or by any Alderman, or person duly authorised by the Council in that behalf, and then present for extinguishing such fire; and every such owner or driver who shall, without reasonable excuse fail to comply with the provisions of this section, shall forfeit a sum not exceeding ten pounds nor less than two pounds.

Compensation for attendance at fires—Rewards.

130. There shall be paid out of the Municipal funds, to the owner of any licensed water-cart who shall have attended with any water at the place of any fire as herein provided, and delivered the same as required for extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed on that behalf, and also to such owners of such carts as shall have first and second in order attended with loads of water, such further sums by way of reward, as the Council may by similar resolution have fixed.

PART V.

Licensing public vehicles.

Vehicles, &c., plying for hire to be licensed.

131. All water carters, firewood carters, and owners of vehicles plying or carrying passengers, goods, or other materials for hire, shall be licensed by the Council; and the owners shall have their names painted in legible letters with the word "licensed" on some conspicuous part of such vehicles respectively. The license fee shall be at the rate of ten

shillings per wheel per annum, and all such licenses shall be issued for a period of twelve months, terminable on the 30th June in each year; and every owner who shall omit or fail to comply with the provisions of this By-law, shall forfeit a sum not exceeding forty shillings nor less than ten shillings.

Licensing timber carriages.

132. No timber carriage or vehicle used for that purpose, or dray attached as a substitute for the conveyance of timber or other material will be allowed to ply or work within the Municipality unless the same be licensed. This clause only to apply to timber carriages and other vehicles attached as aforesaid working for hire or drawing timber to or from railway station. The owners of any such timber carriage as aforesaid shall have their names painted in legible letters with the word "licensed" on some conspicuous part of such timber carriage respectively. The license fee shall be at the rate of one pound per wheel per annum, and all such licenses shall be issued for a period of twelve months, terminable on the 30th June in each year; and every owner who shall omit or fail to comply with the provisions of this By-law, shall forfeit a sum not exceeding five pounds nor less than two pounds.

133. The Inspector of Nuisances or other person appointed by the Council may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

134. Any words in these By-laws appearing in the singular number shall be taken to include the plural number, and any words in the plural number shall be taken to include the singular number, and any words in the masculine gender shall be taken to include the feminine gender, and vice versa.

135. The word "animal" shall for the purpose of these By-laws be held to include any horse, foal, ass, mule, cattle, calf, sheep, lamb, pig, goat, dog, cat, goose, fowl, and any other domesticated quadruped, marsupial, or bird, and the words "die of any disease" shall be held to apply to all cases of death other than death caused by killing or slaughtering.

136. Whenever in any of these By-laws the word "Mayor" is made use of, it shall, unless a context, shall indicate a contrary distinction, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the word "Municipality" is made use of in the said By-laws, it shall be understood to signify the Municipality of Murrurundi.

137. Any person found committing any offence against these By-laws, on being required to give his name and place of abode, who shall give any false or fictitious name or place of abode, shall be fined not less than two pounds nor more than five pounds.

Made and passed by the Municipal Council of Murrurundi, this eighth day of August, one thousand eight hundred and ninety.

(L.S) C. F. JUCHAU,
Mayor.

T. M. SIMS,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

MUNICIPAL DISTRICT OF MITTAGONG—AMENDED BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.Colonial Secretary's Office,
Sydney, 3rd December, 1890.

MITTAGONG MUNICIPALITY.—AMENDED BY-LAW.

THE following Amended By-law, made by the Council of the Municipal District of Mittagong under the "Municipalities Act of 1867," having been confirmed by His Excellency the Lieutenant-Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF MITTAGONG.—AMENDED BY-LAW.

PART IV, No. 4.

Roads and Streets and Encroachments.

THE Committee for Works, or the Surveyor of the Municipality, or other officer or person duly authorised by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, ways, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, ways, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, way, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Committee for Works, or Surveyor, or other officer or person as aforesaid, to place, or cause to be erected, posts at the corners, or intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 46 feet for the carriage-way and 10 feet for the footway on each side, where the road, street, lane, way, or thoroughfare shall be 66 feet wide and in proportion, and in the discretion of the Council, in any such road, street, lane, way, or thoroughfare, or other public place of other width than 66 feet: Provided there shall be no change of level in any such public road, street, lane, way, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further that this By-law shall be read subject in all respects to the "Width of Streets and Lanes Act of 1881."

Amended and passed by the Council of the Municipal District of Mittagong, this 1st day of October, 1890.

W. R. HUDSPETH,
Council Clerk.(I.S.) JOHN MEALING,
Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES.

(SILVERTON FREE PUBLIC LIBRARY—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.Department of Public Instruction,
Sydney, 31st October, 1890.

THE following By-laws for the regulation of the Free Public Library at Silverton, which have been made by the Municipal Council of Silverton, and confirmed by His Excellency the Governor in Council, are published in accordance with the "Municipalities Act of 1867."

J. H. CARRUTHERS.

BY-LAWS adopted by the Silverton Municipal Council for the management of the Free Library.

1. The Library shall be open every day except Sundays during such hours as Council may from time to time by public notice determine and direct, and the Council shall have the power to close the Library and Reading Room at any time during the year for the purpose of revising the lists of books in the Library, such time of closing not to exceed fourteen days.

2. Every person who shall enter the Library or Reading Room shall, immediately on entering the same, write his or her name and address in a book to be kept for the purpose at such Library or Reading Room (to be called the Visitors' Book), and if such person be unable to write, then such name and address may be written by any other person, or shall be so written by the proper officer of the Council at such Library or Reading Room at the request of such person; and no one who shall refuse to comply with this regulation shall be permitted to remain in such Library or Reading Room, and it shall be the duty of the Officer in charge of such Library or Reading Room to enforce this By-law.

3. Any person who, being intoxicated, shall enter such such Library or Reading Room shall be at once removed from the premises, or any person who shall therein use any abusive, improper, or unbecoming language, or who shall, by any unnecessarily loud talking, or by any noise, disturb or annoy the persons resorting to such Library or Reading Room, or who shall, without lawful excuse, but without felonious or larcenous intent, remove any property from such Library or Reading

Room, shall forfeit and pay a sum not less than ten shillings nor more than ten pounds; and any such person may be forthwith removed by any officer of the Council in charge of such Library or Reading Room.

4. Any person who shall wilfully damage any visitors' book, catalogue, copy of by-laws, or other book or record kept at such Library or Reading Room for the general use thereof, shall for every such offence forfeit and pay a sum not less than ten shillings nor more than ten pounds.

5. It shall be the duty of the Librarian to report to any meeting of the Library Committee any infringement of these By-laws, or any injury to the books.

6. Newspapers shall not be detained more than a quarter of an hour, or periodicals more than half an hour, if required by any other person, he or she having intimated his or her wish to the person reading the same.

7. Any ratepayer may propose books for addition to the library on entering titles, prices, and other particulars in a book to be kept for the purpose.

8. The foregoing rules shall be printed, framed, and suspended in the Reading Room for the information of visitors.

The foregoing By-laws were made and passed at a meeting of the Municipal Council of Silverton, held this thirty-first day of July, 1890.

(Signed) A. L. TAIT, Council Clerk. (L.S.) URIAH DUDLEY, Mayor.

1890.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF ADAMSTOWN.—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 24th January, 1890.

MUNICIPAL DISTRICT OF ADAMSTOWN.—BY-LAWS.

The following amended By-laws, made by the Council of the Municipal District of Adamstown, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

The following amended By-Laws have been made by the Municipal Council of Adamstown, for the better carrying out and into effect the provisions of the "Nuisances Prevention Act, 1875," within the Municipal District of Adamstown.

The By-laws published in supplement to New South Wales Government Gazette of Friday, 31st August, 1888, are hereby repealed and in lieu thereof the following By-laws have been made and passed according to law:—

1. No person shall erect or commence to erect any closet except in such place or position, and of such dimensions and description as contained in By-law No. 2 of these By-laws, unless by the written authority of the Inspector of Nuisances or other officer appointed by the Council. Any person or persons violating this By-law shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings. But any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal against the same to the Council.

2. The dimensions of each closet shall be 4 feet deep and not less than 3 feet wide (inside measurement) and 6 feet 6 inches high from sole plate to wall plate, and to be built of material approved of by the Council or the Inspector of Nuisances.

3. A separate closet shall be provided for every tenement. In schools and factories, where a number of persons shall attend or be employed, separate closets, with a door to fasten on the inside, shall be provided for each sex; and a separate closet shall be provided for every twenty persons so attending or employed. All closets hereafter to be built shall be constructed of 4½ inches brickwork or approved sawn timber. Where two or more closets adjoin each other, there shall be a dividing brick wall between each of not less than 4½ inches in thickness to effect a complete separation; and any person offending against any of the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds, and a like penalty for every succeeding seven days.

4. Every closet, whether already built or hereafter to be built, shall be provided by the occupier or owner with a galvanized iron pan not exceeding 18 inches in depth nor more than 17 inches in diameter, and of a pattern to be approved of by the Council or their authorized officer, the Nuisance Inspector. Any owner or occupier committing a breach of this By-law shall forfeit and pay a penalty of not less than ten shillings or more than two pounds (£2), such pans to be kept in good order to the satisfaction of the Nuisance Inspector.

5. No person or persons shall bury or cause to be buried on his or her premises or any other persons premises any night-soil collected therefrom without the sanction of the Council or Inspector of Nuisances; any person or persons committing a breach of this By-law shall be liable to a penalty of not less than one pound or more than ten pounds.

6. If, in the opinion of the Inspector of Nuisances, any alteration is required in existing cesspits or closets, he shall report the same to the Council, which shall determine what alteration is necessary for the preservation of health or decency, and such alteration shall forthwith be made by the owner or

occupier of the premises after receiving seven days' notice to that effect, under a penalty of not exceeding five pounds nor less than two pounds.

7. If at any time the earth closet pan in any premises shall overflow or become a nuisance, the owner or occupier shall be liable to a penalty not exceeding two pounds nor less than ten shillings.

8. No person shall be permitted to connect any closet with any drain, watercourse, or sewer without the sanction of the Council, and any person so offending shall be liable to a penalty not exceeding twenty pounds nor less than one pound.

9. The night-soil shall be removed by contract in properly constructed carts, between such hours as the Council may determine, and the contractor will be held responsible for the careful conveyance of the night-soil to the appointed dépôt, and shall dispose of the same as directed. For any breach of the conditions of this By-law he shall be liable to a penalty not exceeding twenty pounds nor less than five pounds.

10. If the night-soil or any portion thereof shall be sold or given away by the Council, the person removing the same shall do so only at such times and in such manner as the Council may direct, and shall dispose of the same so as not to cause a public nuisance, and the person purchasing or obtaining it, and so dealing with or disposing of it as to cause a nuisance, shall be liable to a penalty not exceeding ten pounds nor less than two pounds.

11. The Inspector of Nuisances shall have power to visit and inspect any premises on any lawful day, between the hours of 10 a.m. and 4 p.m.; and any person refusing admittance or obstructing or hindering such inspector in the discharge of his duty shall incur a penalty not exceeding five pounds nor less than one pound.

12. The place of deposit shall be in such locality as may from time to time be determined upon by the Council.

13. Written notice must be given to the Council or the Inspector of Nuisances, by all persons about to construct new or alter existing closets, to enable the Inspector to visit and report on the same, under a penalty for neglect not exceeding five pounds nor less than one pound; and closets constructed without such notice being given must be removed or altered, if judged necessary by the Council, under a further penalty not exceeding ten pounds nor less than five shillings.

14. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets, which shall be emptied every fourteen days or oftener as may be necessary in the opinion of the Inspector of Nuisances.

15. Persons requiring their closets emptied shall send written notice to the Council or the Inspector of Nuisances.

Made and passed by the Municipal Council of Adamstown, this twenty-sixth day of November, 1889.

WILLIAM LEE,
Council Clerk.

(L.S.) ALFRED EDDEN,
Mayor.

1890.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF PARKES.—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 20th February, 1890.

MUNICIPAL DISTRICT OF PARKES.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Parkes, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS FOR THE DRY-EARTH CLOSET SYSTEM.

On and after the 1st day of July, 1890, the Dry-earth Closet System be adopted within the following boundaries, within the town and suburban lands of Parkes, viz.: Mitchell-street on the north, Bogan, Dalton, and Welcome Streets on the west, to Austral-street on the south; thence by Talbott-street, Currajong, and Clarinda Streets to Hill-street; and thence by that street to Mitchell-street, both sides of all streets named to be included. And that, on and after the above date, all night-soil which may be deposited in any box, pan, bucket, or other receptacle in such closets to be immediately, on the deposit thereof, covered with a quantity of dry powdered earth or other deodorising material sufficient to thoroughly and effectually deodorise the contents of such bucket, pan, or other receptacle, and that all such pans or other receptacles be emptied from time to time so as not to become a nuisance.

Meantime, By-laws 60 and 64 shall remain in force for all portions of the Municipality not now brought under the above system.

The Council to have the power at any time to extend the "Dry-earth Closet System" to any or all parts of the Municipality.

The foregoing By-laws were adopted at a general meeting of the Council held on Monday, 2nd day of December, 1889.

(L.S.) JOHN A. ROSE,
Mayor.

1890.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF WINGHAM—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 2nd July, 1890.

MUNICIPAL DISTRICT OF WINGHAM.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Wingham, under the "Nuisances Prevention Act, 1875," having been approved by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

SECTION VIII.

MUNICIPAL DISTRICT OF WINGHAM,—By-laws under the "Nuisances Protection Act, 1875."

BY-LAWS of the Municipal District of Wingham, for the suppression of certain nuisances prejudicial to public health, and for improving the sanitary condition of the Municipal District of Wingham, in accordance with the provisions of the Nuisance Prevention Act, 1875.

1. Every person about to erect a closet or form a cesspit shall, before he commences any such work, give to the Council Clerk seven days' notice in writing of his intention and of the proposed position of such closet or cesspit, and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding ten pounds.

2. No closet shall be erected or cesspit formed except in such position as shall be approved of by the Council, or by the Inspector of Nuisances or other officer appointed by the Council.

3. No cesspit shall be built under any dwelling-house nor at a less distance than 20 feet therefrom (if the area will permit) nor less than 12 feet in any case, nor in such position that the same cannot be emptied without the contents thereof being carried through any dwelling-house.

4. No cesspit shall be less than 3 feet 6 inches by 3 feet 6 inches by 4 feet deep, and every such pit shall be laid with 4½-inch brick laid in cement with 6-inch puddle at the back made water proof, to be built not less than 6 inches above the surface, the superstructure or closet to be placed two-thirds over the pit, so as to leave one-third of an opening for cleaning out, such opening to be covered with slab or stone.

5. Every such closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened on the inside, and shall have ventilating holes 4½ inches wide.

6. When two or more closets adjoin each other there shall be a brick or stone dividing wall of not less than 4½ inches in thickness between every two closets, and each wall shall extend from the bottom of the cesspit through the roof of the closet, so as to effect a complete separation.

7. A separate closet shall be provided for every dwelling-house, and a breach of this By-law shall make the owner or occupier of any premises upon which there shall be a joint closet liable to a penalty not exceeding five pounds.

8. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, the capacity of the cesspit shall be increased by 4 cubic feet for every person beyond the number of twelve persons or fraction of twelve persons.

9. In schools or factories or other places of business where a number of persons exceeding twelve shall reside to be occupied or employed, one closet shall be provided for every twelve persons with the capacity of not less than 80 cubic feet, and separate closets shall be provided for each sex.

10. If any alteration shall be requisite in the opinion of the Inspector of Nuisances or any other officer appointed by the Council in that behalf for preserving public health or decency in the case of any existing cesspit or closet, the owner or occupier of such premises shall receive twenty-one days' notice to remove or alter the same; and if he fail to do so, and the Council shall adjudge such cesspit or closet to be either injurious to the health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances or other officer, and the cost of such alterations shall be paid by the owner or occupier of the premises whereon the same shall be.

11. The place of deposit for night-soil shall be in such locality as may be from time to time determined upon by the Council, subject to the approval of the Governor; and no night-soil shall be deposited in any other locality within the Municipal District of Wingham, except as allowed by the Council.

12. Until otherwise provided by the Council, all night-soil shall be removed from cesspits by the servants of or contractors with, the Council in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

13. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

14. In case the Council shall sell or give away any night-soil, the same shall be removed in the manner as above provided, and on being removed from the vehicles in which it is carried, it shall be deodorized by chemicals or in some other manner, or covered with earth so as to prevent any offensive smell arising therefrom.

15. Any person desirous of erecting an earth-closet shall be at liberty to do so; but all night-soil shall be removed therefrom once in seven days if required by the Inspector; and every person having such a closet and occupying premises where the inmates do not exceed twelve in number, shall be at liberty to use the night-soil from such earth-closet on his own premises, provided that he shall occupy a clear area of not less than 2 rods; but if any nuisance shall arise therefrom such person shall be liable to a penalty not exceeding five pounds.

16. Any person having a cesspit cemented, shall be at liberty to use the night-soil on his own premises, provided the owner occupies a clear area of not less than 2 rods and the inmates do not exceed twelve in number; but if any nuisance shall arise therefrom such person shall be liable to a penalty not exceeding five pounds.

17. No person shall be at liberty to use on his premises any night-soil brought from elsewhere.

18. The owner or occupier of any house, building, passage, yard, or premises within the Municipal District of Wingham, shall cause the yard or ground adjoining or belonging thereto, to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

19. Any person allowing night-soil from any closet to fall into the street, shall forfeit and pay a sum not exceeding twenty pounds nor less than two pounds.

20. Any person wilfully allowing filth of any kind or accumulation thereof, or any substance or substances from which noxious effluvia arises to remain on his premises, shall be liable to a penalty not exceeding ten pounds.

21. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from live or dead animals of any kind or species within the Municipal District of Wingham, and to give notice to the owner or occupier of the premises upon which such animals may be, to remove and destroy the same (if very offensive) within a period of six hours, and if not removed or destroyed within that period, to cause the removal and destruction of the said nuisance without delay; and the owner or owners thereof, or the owners or occupiers of the premises in default, and on conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding ten pounds and not less than forty shillings in addition to all legal and other expenses incurred in the proceedings and in the removal and destruction of said nuisances.

22. If at any time the cesspit or dry earth-closet on any premises shall overflow, the owner or occupier shall within twenty-four hours give notice to the Inspector of Nuisances, otherwise such owners or occupiers shall be liable to a penalty not exceeding ten pounds. If at any time the cesspit become so full that the night-soil reaches within six (6) inches of the top, or if a dry earth-closet on any premises overflow, such owner or occupier shall be liable to a penalty not exceeding ten pounds.

23. The Council may recover and the owner or occupier of the premises shall pay such sums for the emptying of cesspits as may be decided upon from time to time by resolution of the Council.

24. The Inspector of Nuisances shall be furnished annually with a list copied from the rate-books of the Council, showing the names of owners and occupiers of all household property or business premises within Municipal District of Wingham, the list to be furnished within three months after the filling up of the said rate-book in each year.

25. The Inspector of Nuisances shall be provided by the Council with a supply of printed forms of notices or other documents (as by the Act prescribed) from time to time when required for service upon the owners or occupiers of premises.

26. The Inspector of Nuisances shall obtain from the contractor or nightman a list showing the names of occupiers or owners of premises where water-closets have been emptied, and the situation of such premises, and shall submit the said list to the Council quarterly, viz., the end of March, June, September, and December in each year, with a view of carrying out the 10th section of the Nuisances Prevention Act.

27. The Inspector of Nuisances shall report to the Mayor for the time, or to any authorized officer of the Council, where any water-closet is connected with any drain or sewer, and take such action as may be directed by the said Mayor or officer with a view of carrying out the purposes of the Act.

28. It shall be the duty of the Inspector of Nuisances to report the existence of any gutter, drain, or filthy premises that may be brought under his notice, and take such action as may be directed by the Mayor or other authorized officer of the Council in accordance with the provisions of the Nuisances Prevention Act.

29. It shall be the duty of the Inspector of Nuisances to furnish the Council every three months with a list of the persons who have been proceeded against and fined for nuisances within the Municipal District of Wingham together with the dates and amounts of such fines respectively.

30. The owner or occupier of any premises within the Municipality or of any other person who shall erect upon his premises any closet or cesspit otherwise than in accordance with these By-laws, or who shall refuse to comply with the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall in cases where no special penalty is provided forfeit and pay a penalty not exceeding five pounds.

31. All words occurring in these By-laws and which also occur in the Nuisances Prevention Act, 1875, shall have the like meanings assigned to them as are provided in the 4th section of the said Act.

32. By these By-laws "night-men" means and includes any and every person employed by the Council to remove or assist in removing night-soil from cesspits or earth-closets, whether as servants of the Council or as contractors thereunder, or as servants of such contractor. "Night cart" means any vehicle used by any night-man for the purpose aforesaid. "Depôt" means a depôt for the deposit of night-soil.

Night-soil depôts.

33. Such depôts as shall from time to time be named by resolution of Council, subject to the approval of the Governor, shall be depôts for the disposal of night-soil.

Unauthorized persons not to act as night-men.

34. No persons shall act as night-men or drive any night-cart within the limits of the Municipal District of Wingham, unless such person be authorized so to do by the said Council.

Certificate.

35. Such authority shall be evidenced by a certificate under the hand of the Mayor or Council Clerk, which shall contain the name and place of abode of the holder, and shall be duly numbered and registered, such certificate shall be according to the form in the Schedule to these By-laws.

Revocation of Certificate.

36. Any such certificate may be revoked, cancelled, or suspended at the will of the said Council, and thereupon such authority shall cease.

Change of abode to be notified.

37. Any authorized night-man changing his place of abode, shall within two days after so doing attend the Council Clerk, who shall note the change upon his certificate, and register the same.

Certificate to be carried and produced.

38. Every night-man whilst engaged in removing night-soil or in driving any night-cart, shall carry with him his certificate, and shall produce the same when required by any officer of the Council or member of the Police Force of New South Wales. No night-man shall on any pretence part with or lend his certificate to any other person.

Night-carts to be made watertight and covered.

39. Every night-cart or vessel used in the business of a night-man shall be kept by the owner thereof watertight and free from leakage, and shall be provided with a proper covering so as to effectually prevent the dropping, splashing, slopping, or spilling of anything carried therein.

Hours for emptying cesspits, &c.

40. No person shall empty any privy, cesspool, or remove any night-soil within the Municipal District of Wingham, or shall use or drive or permit or suffer to be used or driven any night-cart or other vehicle for that purpose except between the hours of 11 o'clock at night and 5 o'clock in the morning, or shall put, place, leave, spill, or cast out any night-soil in or upon any of the streets or public places of the Municipal District, or shall not carefully sweep up and cleanse every place in which any offensive matter is slopped or spilled: Provided that before commencing such works it shall be the duty of the night-man to report his intention so to do to the Inspector at least twelve hours before commencing such work.

Night-soil shall not be brought into the Municipal District.

41. No person shall bring or convey night-soil to any depôt within the limits of the said Municipal District from any place beyond the said limit.

Night-soil to be buried.

42. Every night-man shall upon arriving with his cart at the depôt make or cause to be made a pit or trench 5 feet in depth and of sufficient length and width to allow of a deposit of night-soil 1 foot 6 inches in depth; and all night-soil shall be buried in accordance with the agreement for the removal and depositing of the same between the contractor and the Council, and no offensive matter shall be permitted or placed in any place but that provided by the Council.

Particulars to be given at Inspector's Office.

43. Every registered night-man, when he shall use any night-cart or vessel for the removal of any night-soil or other offensive matter, shall within twelve hours after the performance of such work, report to the Inspector or other officer appointed in that behalf at his office the name of the occupier of the premises and the name of the street in which such premises are situated where he has been so employed, and also state the place where the contents of such night-cart or vessel were deposited.

44. For every offence against any of the provisions of these By-laws the offender shall upon conviction forfeit and pay a penalty not exceeding twenty pounds nor less than twenty shillings.

SCHEDULE.

MUNICIPAL DISTRICT OF WINGHAM.

Night-man's Certificate, No. 39 Victoria, No. 14.

Name _____
Address _____

Made and passed by the Council of the Municipal District of Wingham, this first day of April, one thousand eight hundred and ninety.

(L.S.) HENRY LAMBERT,
Mayor.

Amended in accordance with opinion of Attorney General, referred to in letter 90-4,285 of 24th April, 1890, from Colonial Secretary's Office, 6th May, 1890.

(L.S.) HENRY LAMBERT,
Mayor.

1890.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(BOROUGH OF DRUMMOYNE—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 30th July, 1890.

DRUMMOYNE MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Drummoyne under the "Nuisances Prevention Act, 1875," having been approved by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS of the Borough of Drummoyne, made under and for carrying into effect the provisions of the Nuisances Prevention Act.

1. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, shall, before he shall commence to erect such closet, or to form, excavate, or make any such cesspit, deliver to the Council Clerk of the Borough of Drummoyne a notice in writing of the intention of such person to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected, or such cesspit formed, excavated, or made; and if any person shall commence or erect any closet, or form, excavate, or make any cesspit within the said Borough without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Borough, or other officer for the time being appointed by the Council of the said Borough in that behalf), he shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

2. No person shall erect or commence to erect any closet, or to form, excavate, or make any cesspit, except in such place or position as shall be approved by the Inspector of Nuisances or other officer as aforesaid; and any person who shall erect or commence to erect any closet, or to form, excavate, or make any such cesspit, without having obtained the approval of the said Inspector or other officer, or in any place or position other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings. But any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal against the same to the Council.

3. Every cesspit to be constructed within the Borough shall be built of 9-inch brickwork, set in cement, floor as well as walls; and the top of such cesspit shall be at least 6 inches higher than the highest part of the surface of the ground immediately adjoining such cesspit; and no cesspit shall be formed, excavated, or made under any dwelling-house, nor at a less distance than 20 feet therefrom, area permitting. If any person shall so form, excavate, or make any cesspit which shall not be in accordance with the provisions of this By-law, or shall form, excavate, or make any cesspit under any dwelling-house, or at a less distance than 20 feet, area permitting, shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

4. For houses containing not more than four rooms and out-offices, the cesspit shall not be less than 3 by 4 feet and 5 feet deep, inside measurement; for houses containing more than four rooms and out-offices, the cesspit shall not be less than 3 feet 6 inches by 4 feet and 5 feet deep, inside measurement.

5. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened inside, and with a man-hole in the floor not less than 2 feet square, clear internal measurement, to be covered with a trap door; and every person who shall build or erect any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

6. Where two or more closets adjoin each other, there shall be a sufficient dividing-wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other and not in accordance with this By-law, he shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

7. A separate closet shall be provided for each tenement, and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

8. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less than 80 cubic feet, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against this by-law, or fail to provide the number of closets and of the capacity in this by-law mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

9. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf, for preserving public health or decency in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk, it shall be lawful for the

Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way before any two or more Justices of the Peace.

10. Owners of existing closets and soil-pits may be required to alter or improve them in such manner as may be necessary in order to bring them into conformity with these regulations, on notice being given by the Inspector of Nuisances to that effect. Persons failing to make such alterations or improvements within one month after the receipt of such notice, shall be liable to a penalty of not less than one pound nor exceeding the sum of three pounds for each and every week or portion of a week during which they shall fail to comply with the terms of said notice.

11. The night-soil shall be removed by contract or otherwise, in properly constructed water-tight covered vehicles, between the hours of 11 p.m. and 5 a.m. from the first day of October to the last day of March, and between the hours of 11 p.m. and 6 a.m. from the first day of April to the last day of September.

12. Persons desirous of using earth-closets may be permitted to do so on making written application to the Council, and intimating the arrangements to be made for their construction and management, provided that such arrangements shall be approved by the Council.

13. The Inspector of Nuisances or other officers appointed by the Council may visit and inspect any premises, or do any work authorized by the Nuisances Prevention Act of 1875 therein, on all days except Sundays and holidays; and any person who shall hinder or obstruct any Inspector of Nuisances

or other officer as aforesaid upon any such visitation or inspection, or in the doing or performing of any work, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

14. All expenses incurred by the Council in emptying any cesspit or earth-closet shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit or earth-closet is situated, within one week after a written demand of the amount made by the Council or Inspector of Nuisances shall have been served upon him, otherwise the same may be recovered in a summary way before any two Justices of the Peace.

15. The Inspector of Nuisances or other person authorized by the Council shall furnish the Council with a monthly return, showing the number of cesspits emptied, the amount due and payable for each cesspit, and the amount of arrears due for emptying cesspits, he shall collect the amounts so due and payable, and account therefor to the Council at least once in every month, as may be determined upon by such Council.

16. Every person who shall obstruct the Council or any person employed by them for removing night-soil, in the performance of anything which such Council is empowered or required to do by law for removing night-soil, shall incur a penalty of not exceeding five pounds nor less than one pound.

Made and passed by the Municipal Council of the Borough of Drummoyne, at a meeting held on the 2nd day of July, 1890.

(L.S.) MARK A. WILLIAMSON,
W. JOHNSON, Council Clerk. Mayor.

1890.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF HAMILTON—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.Colonial Secretary's Office,
Sydney, 20th August, 1890.**HAMILTON MUNICIPALITY.—AMENDED BY-LAWS.**

THE following Amended By-laws, made by the Council of Municipal District of Hamilton, under the "Nuisances Prevention Act, 1875," having been approved by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

THE following Amended By-laws have been made by the Municipality of Hamilton for the better carrying out of the provisions of the "Nuisances Prevention Act, 1875," within the Municipal District of Hamilton.

By-law No. 3 of the By-laws published in the Government Gazette of 5th August, 1886, is hereby repealed, and in lieu thereof the following By-laws Nos. 2, 3, 4 shall stand as No. 3 of the aforesaid By-laws:—

1. No person shall bring or convey any night-soil to any depôt within the limits of the said Municipality of Hamilton from any place beyond the said limits; and any person or persons offending against the provisions of this By-law shall be liable to a penalty not exceeding twenty pounds, nor less than five pounds.

2. That underground cesspools for the reception of night-soil, being injurious to the public health, shall be done away with, and any existing underground cesspits shall therefore be emptied, and be filled with dry earth and quick-lime on or before the 1st day of February, 1891; any person refusing or neglecting to empty or fill up any such cesspit in accordance with this By-law shall be liable to a penalty not exceeding ten pounds nor less than five pounds.

3. On and after the 1st day of February, 1891, no person or persons shall dig, make, or construct, or cause or permit to be dug, made, or constructed on any premises within the boundaries of the Municipality any open closet or cesspit for the deposit of fæcal matter; and all closets or privies from and after the said date shall be constructed and made on the dry-earth system only, and any person or persons offending against any of the provisions of this By-law shall be liable to a penalty not exceeding ten pounds nor less than one pound.

4. No person shall cover up, or cause or permit to be covered up, any existing cesspit with earth or other material unless and until the same shall be properly emptied, and also inspected by the Inspector of Nuisances; and any person or persons offending against this By-law shall be liable to a penalty not exceeding five pounds, nor less than one pound.

Made and passed by the Municipal Council of the Municipal District of Hamilton, this second day of April, in the year of our Lord one thousand eight hundred and ninety.

(L.S.) JOHN ARKINS,

Mayor.

JAMES RAY, Council Clerk.

1890.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF COOMA—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, ser. 18.

Colonial Secretary's Office,
Sydney, 10th September, 1890.

COOMA MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Cooma, under the "Nuisances Prevention Act, 1875," having been approved by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAWS for the purpose of carrying out more effectually the provisions of the "Nuisances Prevention Act, 1875," within the Municipal District of Cooma.

By-laws Nos. 7 and 8 of the 4th December, 1888, are hereby repealed, and By-laws No. 4 and No. 13 of the said date have been amended as hereunder:—

No. 4 as amended. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside, or be occupied or employed, one earth closet or cesspit shall be provided for every twenty persons, with separate closets for each sex; and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against this By-law, or who shall fail to provide the number of closets, and of the capacity in these By-laws mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

No. 13 as amended. All dry-earth closets shall be supplied with iron pans, of a pattern to be approved by the Council; such pans to be kept in good order to the satisfaction of the Inspector of Nuisances. Any owner or occupier committing a breach of this By-law shall be liable to a penalty of not more than two pounds nor less than ten shillings.

In lieu of the By-laws hereby repealed and amended, and in addition to former By-laws, the following By-laws have been adopted:—

1. On and after the confirmation of these By-laws no person or persons shall dig, make, or construct on any premises within the boundaries of the Municipality of Cooma, any open closet or cesspit for the disposal of faecal matter, unless the same shall be built with brick or stone and be cemented as hereinafter provided.

2. Every cesspit to be constructed within the Municipality shall be built of brickwork, set in cement, floor as well as walls to be so set, and be rendered three quarters of an inch thick with cement inside in such manner as to make it perfectly water-tight. The top of such cesspit shall be at least six inches higher than the highest part of the surface of the ground

immediately adjoining such cesspit; and no cesspit shall be formed, excavated, or made under any dwelling-house nor at a less distance than twenty feet therefrom, area permitting. If any person shall so form, excavate, or make any cesspit which shall not be in accordance with this By-law, or shall form, excavate, or make any cesspit under any dwelling-house or at a less distance than twenty feet therefrom, area permitting, he or they shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

3. The contents of cesspools, cesspits, privies, earth closets, or other receptacles for night-soil shall be removed in perfectly constructed water-tight carts, approved of by the Council, by persons who have been duly authorised to perform such work by the said Council; and no person shall be allowed to perform the duties of nightman without having first obtained such authority from the said Council; and any person infringing this part of this By-law shall on conviction thereof be subject to a penalty for every such offence of not less than forty shillings nor more than five pounds.

4. The nightman authorised by the Council for the removal of nightsoil shall, under the direction of the Inspector of Nuisances for the time being, or other officer or officers appointed by the said Council, make a trench on the dépôt fixed upon by the said Council, for the purpose of depositing therein all night-soil that shall from time to time be taken thereto, and the whole of such night-soil shall, as deposited, be covered with earth so as to prevent any nuisance arising therefrom; and any nightman or other person who shall deposit night-soil either on the appointed dépôt or on other land within this Municipality without covering the same with earth shall be liable to a penalty of not less than forty shillings nor more than ten pounds.

Made and passed by the Cooma Municipal Council this twenty-second day of July, 1890.

(L.S.) CHAS. F. WELCH,

Mayor.

ED. HEWISON,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF CAMDEN.—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 7th January, 1890.

MUNICIPAL DISTRICT OF CAMDEN.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Camden, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

CAMDEN MUNICIPALITY BY-LAWS.

PART I.

Proceedings of Council and Committees.—Preservation of Order at Council Meetings.—Duties of Officers and Servants, &c.

Meetings of the Council.

Ordinary Meeting.

1. The Council shall meet for the despatch of business at such times and days as may be by resolution appointed.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Provided if the Mayor shall afterwards attend, the Chair shall be vacated and taken by him.

Order of Business.

Business of Ordinary Meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor, or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read, and, if necessary, ordered upon.
4. Reports from Committee and minutes from Mayor (if any) to be presented and ordered upon.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committee or officers to be made.
6. Matters which have been specially ordered to be placed on the business paper by the Mayor.

7. Motions, of which notice has been given, to be dealt with in the order in which they stand on the business paper.
8. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

Provided that it shall be competent to the Council at any time by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at Special Meetings.

4. At special meetings of the Council the business, after the Minutes shall have been read and verified, which shall be done in the same manner as at any ordinary meeting, shall be taken in such order as the Mayor or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meeting—how prepared.

5. The business paper for every meeting of the Council other than special meetings, shall be made by the Council Clerk, or other person acting as his substitute, not less than forty-eight, nor more than seventy-two hours before the day appointed for such meeting. He shall enter on such business paper a copy of the substance of every notice of motion and of every requisition or order as to the business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 3 of this "Part" of these By-laws, in the same order as such notice, requisition, or direction shall have been received.

Business Paper for Special Meetings.

6. The business paper for each Special Meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meetings.

Summons to Members.

7. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How Business Paper is to be disposed of.

8. The business paper for each meeting of the Council shall, at such meetings, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of, unless withdrawn before Business Paper made up.

9. All notices of motion and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meetings, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the Minute Book of the manner in which such matter has been disposed of shall have been duly verified as required by section 1 of clause 3 of this "Part" of these By-laws. Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

After Business Paper made up, all notices, &c., to be the property of the Council.

10. After the business paper shall have been made up as aforesaid, all such notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and Amendments.

Motions—how to be moved.

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from the business paper, and be considered to have lapsed.

Notice to be given.

12. Four clear days' notice of every motion intended to be made in the Council shall be given to the Council Clerk, to enable him to place the same on the business paper.

Motion to be seconded.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

17. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on. Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

19. No motion for adjournment of the Council shall be discussed. If seconded, such motion shall be put at once. If negatived, no similar motion shall be permitted to be made until half an hour has elapsed after putting the one that has been negatived, and the subjects on the business paper shall be proceeded with in order.

Orders of the Day.

Of what Orders of the Day shall consist.

20. The orders of the day shall consist of any matters, other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or any committee of the Council shall have directed to be entered on the business-paper for consideration.

Petitions.

Petitions to be respectfully worded.

21. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

22. All petitions shall be received only as the petitions of the parties signing at the same time.

How Petitions are to be dealt with.

23. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that if it be received and referred to one of the permanent Committees hereinafter mentioned, or to some special Committee appointed to consider and report on the same; or that if it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

Correspondence.

Duties of Mayor as to Correspondence.

24. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 21 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 23 to apply to Letters.

25. Section 23 of this "Part" of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

Reports from Committees and Minutes from the Mayor.

Form of Report.

26. All reports from Committee shall be written on foolscap paper, with a margin of at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of same.

Mayor's Minute.

27. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written upon paper of any kind, and with the same margin as the report from a Committee, and shall be signed by such Mayor.

How Reports, &c., are to be dealt with—Duties of Chairman, &c., in certain Cases.

28. No motion shall (except as hereinafter provided) be permissible on the presentation of a report from a Committee, or a minute from the Mayor, except that the same be received, that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or, if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction as aforesaid, as will enable such Council Clerk to make the necessary entry on the business-paper, and to give such due notice.

Report of Finance Committee on Payment of Accounts.

29. The adoption of the report of the Finance Committee on the payment of accounts shall take precedence of every other report.

Questions and Statements.

Limitations as to Questions and Statements.

30. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 33 of this "Part" of these By-laws.

Notice to be given.

31. Twenty-four hours' notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answer not Compulsory.

32. It shall not be compulsory on any person questioned as aforesaid to answer the question so put to him.

Question to be put without Argument, &c.

33. Every such question, must be put categorically, without any argument or statement of fact.

Similar Provisions as to Statements.

34. Every such statement must be made without argument.

No Discussion on Question, &c. ; Rights of Objection and of subsequent Motion reserved.

35. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council, &c.

36. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or any discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way, or for any other purpose address observations to the Council, shall while so doing stand up in his customary place (unless he shall be prevented from doing so by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or Officer to be questioned, and may be replied to in a like manner; but in every such case the question so put, and the answer thereto, shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

37. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of Speeches, &c.

38. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon. No Alderman shall speak upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.

Mover and Seconder.

39. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Limited time of speaking on motion or amendment.

40. No Mayor, Chairman, or Alderman shall speak upon any motion or amendment for a longer time than fifteen minutes, except by permission of the Council.

Speaker not to digress, &c.

41. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to, any other Alderman.

Adjournment of debate.

42. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

43. If two or more Aldermen rise to speak at the same time the Mayor or Alderman shall decide which of such Aldermen shall be first heard.

Aldermen may require questions to be stated, &c., under certain restrictions.

44. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made *bona fide* it shall not be complied with.

Mayor or Chairman may move or second motion, &c., and may address Council thereon.

45. The Mayor or Chairman may propose or second any motion, and such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order.

46. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

47. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any language which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call member to order.

48. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman; there shall be a necessity for so doing.

Any member may raise question of order.

49. Every member of the Council shall have the right of calling the attention of the Mayor or the Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member shall consider out of order.

Mode of proceeding thereon.

50. A member named by the Mayor or Chairman as being disorderly shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with. Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be re-opened. And provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinafter provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

51. The Mayor or Chairman when called upon to decide points of order or practice shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting on the same.

Motion out of order to be rejected.—Members to explain, retract, or apologise, &c.

52. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalty for persisting in disorderly conduct.

53. Any member of the Council who shall have been named by the Mayor or Chairman as being disorderly, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required to do so, or who shall be guilty of any other act of disorder, as defined in section 48 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology, as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction for the first offence, to a penalty of not less than ten shillings, nor more than five pounds, and on second conviction for the like offence he shall be liable to a penalty of not less than one pound, nor more than ten pounds; and on the third conviction and every further conviction for the like offence he shall be liable to a penalty of not less than two pounds, nor more than twenty pounds.

Power of Council to dissent from ruling.

54. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by immediate action, respectfully worded, invite the Council to dissent from such decision. Provided, however, that nothing herein contained shall be held to bind any Mayor, or Chairman, to put any motion to the Council which, in his opinion, is contrary to law.

Mode of Voting.

How questions are to be put.

55. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalty for refusing to vote.

56. Any Alderman shall be at liberty to call for a division; in such case the question shall be put, first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may under certain circumstances be expunged.

57. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council. Notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at; and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the Minute-book; but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Rules applicable to business in Committee.

58. The following sections of this "Part" of these By-laws shall (except as is herein excepted) be taken to apply to the conduct of business in Committee of the whole Council, namely:—Sections 14 (except that it shall not be necessary that any mention or amendment in Committee shall be seconded), 15, 16, 17, 18, 35, 36, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, and 55.

Disorderly conduct in Committee.

59. Whenever any member of the Council shall, while the Council is in Committee of the whole, be considered guilty of an offence against good order within the meaning of section 5) of this "Part" of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and, if such motion be carried, such matter shall be reported accordingly, and an entry of such report shall be made in the Minute-book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 56 of this

"Part" of these By-laws, the fact shall be reported to the Council, and such report on such facts shall be duly recorded in the Minute-book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary; but it shall be the duty of the Chairman of such Committee of the Whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

60. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provision of section 46 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and, if such motion be carried, such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported, &c.

61. Any Alderman may, at any time during the sitting of a Committee of the whole Council, move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day; or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion; and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

62. All reports of proceedings in Committee of the whole Council shall be made to the Council *visa voce* by the Chairman of such Committee, and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case, the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making of any such report as aforesaid, it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

63. All such reports of proceedings in Committee of the whole Council shall be recorded in the Minute-book; but except as hereinafter mentioned no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debate on such other motions. Provided, however, that where a report shall have been made under section 59 of this "Part" of these By-laws of disorderly conduct in Committee, or under section 56 of this "Part" of these By-laws of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof, and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

64. A call of the Council may be ordered by any resolution, of which due notice shall have been given, for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

65. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order, each member present shall answer to his name as so called. If any members are absent a record shall be made of such absence; but if leave of absence to any such members shall have previously been granted, or if an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse—further call when question adjourned.

66. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness, or any other sufficient cause, he has been unable to send an excuse in writing at

aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business, as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration, and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

67. There shall be four Standing Committees, viz, a By-law Committee, Committee for Works, Finance Committee, and Committee for General Purposes. Each of these Committees shall be re-appointed every year at the first meeting of the Council, which shall be holden after the election of the Mayor.

Constitution of Standing Committees.

68. Each of the Committees shall consist of the whole Council, three to form a quorum.

By-law Committee.

69. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipality. They shall also watch over the administration of the By-laws and of any Statute of which the operation has been or may be extended to the Municipality, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or Statutes, and for the preservation of public health, order, and decency.

Committee for Works.

70. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, and reserves under the care and management of the Council. They shall inquire and report from time to time, as directed, as to such improvements and repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

71. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or be likely to affect, the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

72. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council, not coming within the province of one or other of the beforementioned Standing Committees, and shall from time to time inquire into and report upon any such subject, matter, or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

73. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time-being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution of the Council, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee; or he may propose that such Committee consist of a certain number of members to be appointed by ballot, and, in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And, in the event of it becoming necessary, through an equality of votes, to decide as to which of the two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

74. Every Committee, of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Term of Service in Committees.

75. Appointments to the By-law Committee, the Committee of Works, and the Finance Committee, shall be for the whole municipal year. The Chairman of these three Committees, as appointed to or removed from the Chairmanship of the same, shall be thereby, and without further order, regarded as having been appointed to or removed from the Committee for general purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 109 and 110 of the Municipalities Act of 1867; and that so much of this By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Committee Meeting—How called.

76. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Records of transactions in Committee.

77. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

78. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council; and tenders for the execution of such work, or the supply of such material, shall be called for by public notice.

Emergent matters and necessary current expenses.—Expenses authorised to be reported.—Outlay to be in accordance with orders of the Council.

79. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works or of the Mayor and one member of such Committee for repairs or urgent works, to the extent of five pounds.
2. By order of the Mayor for necessary current expenses, to the extent of ten pounds.
3. By order of the Mayor and any two Aldermen, or without the Mayor or any four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting: such report to be signed by the Chairman of the Committee of Works or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorised. Also that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence whatever be thus authorised.

All claims to be examined and reported upon by Finance Committee.

80. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's order.—Certificate to be attached to report.

81. No payment shall be so ordered unless there shall be a certificate memorandum from the Committee, Mayor, or officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorised or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons of its non-fulfillment before recommending payment: Provided, however, that such special report as last herein mentioned may be embodied with a report by which payment of the amount in question is recommended: Provided also that in cases of special expenditure under section 79 of this "Part" of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate. And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at a fixed rate of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for payment of such

amount shall be a sufficient authorisation for such payment; and such certificates, memoranda, and authorisations shall be attached respectively to the reports from the Finance Committee on the payment or outlays to which such certificates, memoranda, and authorisations have reference.

Common Seal and Records of the Council.

Common Seal and Press, how secured.—Care of same.

82. The Common Seal and the Press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock or cover of this box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such Common Seal and Press shall be in the custody and care of the Council Clerk.

When and how Common Seal to be used.

83. The Common Seal shall not be attached to any document without an express order of the Council. In every case when such Common Seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How Books of Account are to be kept and inspected.

84. The Council Clerk shall keep such books of account and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined.—Provisions for proper keeping of the same.

85. The Minute-book, Letter-book, and all rate and assessment books, books of account, records, statements, and memoranda of receipts and expenditure, electoral rolls, and other records relating to elections, business papers, reports from committees, minutes from the Mayor, petitions, letters on municipal business addressed to the Council or the Mayor, or to any other officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records, other than the minute-book and other books, and other than electoral rolls and other records relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Council Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered, to which there is any reference in the minute-book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council, or a report has been brought up by any Committee thereof, in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records.

Impression of Seal not to be taken, &c., without leave of Council.—Penalties.

86. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds, for a second offence to a penalty not less than one pound or more than ten pounds, and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be removed, &c.—Penalties.—Exceptional Circumstances.—Receipt to be given in every case before Document received.—Proviso as to use of Records as matter of evidence.

87. Any person removing any such book or other record of the Council as aforesaid from the Council Chamber, or the place where by direction of the Council such book or other record is usually kept, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal, as hereinbefore provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book, or other record as aforesaid, and shall not have returned the same, to prosecution for stealing such book or record, or to an action at law for detention of the same, as the circumstances of the case may warrant. Provided that leave for temporary removal of a book or other

record may be granted to the Council Clerk by the Mayor, in order that such Clerk may post up entries, prepare returns, or perform any other duty which it may be necessary that he should perform. Also, that the Mayor, or Chairman of any Committee, or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution at suit at law by, against, or at the instance of, the Council; but in all such cases such Council Clerk, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for any document so removed, and every such receipt shall be carefully preserved among the records until the book or other document to which it refers shall have been returned, when such receipt shall be destroyed: And provided also that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a court of law, shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as may be, and shall, before removing the same, leave at the Council Chamber a receipt for such book or other record as aforesaid, and every such person so temporarily removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying Record.

88. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

89. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications for qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of Appointment.

90. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional Cases.

91. Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried officer or servant of the Corporation to any other permanent office or employment at the disposal of the Council to which no further salary is attached, or to prevent the appointment in like manner of any such officer or servant to any other office or employment of which the duties require only occasional attention, and are to be paid by allowances proportionate to the extent of such duties; or to prevent any similar appointment or employment by the Mayor or by any committee or officer of the Council under the authority of any by-laws; or to prevent the employment as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

Bonds for good conduct.

92. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the Council Clerk or the bankers of the Corporation, as the Council may order, and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

93. The Council Clerk, in addition to the duties which, by the "Municipalities Act of 1867," or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may by order of the Council (as hereinafter provided) be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor, and shall, when ordered by the Mayor or Finance Committee, make a half-yearly return of the revenue and expenditure.

Duties of Treasurer, &c.

94. Any officer of the Council, other than the Council Clerk, may have any records of the Council other than those mentioned in section 82 of this "Part" of these By-laws, committed to his charge by an order of the Council, and he shall in such case be responsible to the Council for the safe keeping of such records.

Duties of other Officers and Servants.

95. The duties of all officers and servants of the Corporation shall be defined by such regulations as may, from time to time, and in accordance with law, be made, as follows, viz.:—As to the duties of the Council Clerk, other than those under section 93 of this "Part" of these By-laws, and his assistants (if any)—by the Mayor or Council; as to the duties of the Council Clerk, under section 84 of this "Part" of these By-laws, of all collectors of rates, bailiffs, bailiffs' assistants, and other officers and servants employed in and about the collection of revenue, whose superintendence is not hereinafter specially entrusted to any other Committee—by the Finance Committee; as to all surveyors, architects, clerks of works, overseers, inspectors of water supply, sewerage, and drainage, or other officers and servants employed in and about the public works of the Borough, and in the supply of water therefor, or the sewerage or drainage thereof, whose superintendence is not herein specially entrusted to any other Committee—by the Committee of Works. As to the attorney for the Corporation, Inspector of Nuisances, and other officers and servants employed in and about the carrying out and enforcement of the general provisions of the "Municipalities Act of 1867," and of any other statute of which the operation has been extended to the Borough, and of the By-laws for the general good government of such Municipality, whose superintendence is not herein specially entrusted to any other Committee—by the By-law Committee. As to managers, overseers, workmen, and other officers and servants employed in and about any public reserves and other public places under the care and management of the Council—by the Parks Committee. As to the librarians, managers of public institutions under the charge of the Council, and all other officers and servants employed in or about any matter over which the Council has control, and whose superintendence is not herein specially entrusted to any other Committee or to the Mayor—by the Committee for General Purposes: Provided that all such regulations shall be in writing, and shall be in all cases laid before the Council at the first meeting thereof which shall be holden after the making of any such regulations, and shall be in strict accordance with any such orders or directions as may have been at any time given by such Council touching the matters to which any such regulations may have reference.

Special Powers of Mayor.

96. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is so on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statements, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *viva voce* or put into writing, at the Mayor may direct.

How Complaints against Officers to be dealt with.

97. All complaints against officers or servants of the corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or which is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon receipt of any such complaint, and without laying the case before the Council, shall have power to investigate the same. And if any such complaint be made to the Council, or to any member or officer thereof, it shall be referred to, and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon and dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaints, with all reports, explanations, and information as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided further, nothing herein contained shall be held to affect in any way the special power conferred upon the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which is now, or hereafter may be, conferred by statute upon such Mayor.

Miscellaneous.

Leave of Absence.

98. No leave of absence shall be granted to the Mayor or to any Alderman, otherwise than by a resolution of the Council after due notice.

Motions for rescission of previous orders, &c.

99. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the re-construction and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after the notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed Business.

100. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and Prosecutions for Penalties, &c.

101. Such suits, or information for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or if any By-law made thereunder, or of any statute the operation of which may have been extended to the Municipality, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid as follows, viz.:—When against a member of the Council, or an Auditor, or any officer of the Corporation—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, or directing such suit or information laid as aforesaid against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceedings be taken against any officer of the Council, except on the order of such Council, or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on its merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of calling for tenders.

102. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

103. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same, and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

How notices are to be published.

104. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Municipality.

Persons obstructing officers of the Council.

105. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of, any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language, towards the said officer, in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

Power to suspend temporarily certain portions of this "Part" of these By-laws.

106. Any such section or sections of this "Part" of these By-laws, or any portion or portions of such section or sections as are not hereinafter excepted, may be suspended by resolution on notice at any meeting of the Council. Provided that there shall be a distinct statement in every such resolution, and in the notice of the motion whereon the same shall have been adopted, of the purpose for which such suspension is required, and that for every separate matter or business as to which such suspension is so required there shall be a separate resolution as aforesaid. And provided also that the following sections hereof shall never be suspended, nor shall any one of them nor any portion of any such sections be suspended on any pretence whatever, namely:—Sections 5, 6, 7, 8, 9, 20, 21, 23, 24, 25, 26, 27, 28, 29, 32, 36, 37, 40, 41, 43, 46, 47, 48, 49, 50, 52, 77, 78 to 87 inclusive, 89, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105.

Mode of proceeding in cases not provided for.

107. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

PART II.

Collection and enforcement of rates.—Times and modes of collection.

Rates under section 164 of the 31st Vic., No. 12, to be collected half-yearly.

1. All rates or levies imposed by the Council under the provisions of section 164 of the Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by annual or half-yearly instalments, as the Council shall from time to time direct, and shall be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special Rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution, at the time of making or imposing such rates, or any of them, have appointed.

Office Hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council by resolution from time to time for that purpose.

Defaulters.

4. Every person not paying his or her rates as aforesaid, within thirty days after the day so appointed as aforesaid for payment thereof, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons so in default.

Mayor to enforce payment.

5. It shall be the duty of the Mayor either to issue distress warrants against all such persons so in default as aforesaid, and to cause such warrants to be enforced, or to cause such defaulters to be sued for the amount of such rates in a court of competent jurisdiction.

Enforcement by Distress.

Bailiff.

6. A Bailiff shall, when found necessary, be appointed by the Mayor.

Bailiff's Sureties.

7. The Bailiff shall find two sureties, to the satisfaction of the Mayor, to the extent of £25 each, for the faithful performance of his duties.

Duty of Bailiff.

8. It shall be the duty of the Bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of Distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who may for the time-being be duly authorised to perform the duties of that office.

Distress and Sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Municipality as the Bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

11. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at the place with whom such inventory can be left aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after making such distress.

Goods may be Impounded.

12. The Bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchase thereof.

Owner to direct order of Sale.

13. The owner of any goods or chattels so distrained upon shall at his or her option direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of Distress.

14. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the Bailiff for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed, marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipal District of _____, do hereby authorise you, _____ the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, for _____, being the amount of rates due to said Municipality to the day of _____, for the said dwelling-house (or land or premises, as the case may be), and to proceed thereon for the recovery of the said rates, according to law.

Dated this _____ day of _____, 18 _____.

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of _____, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Municipality, for _____, being the amount of rates due to the said Borough to the day of _____.

Dated this _____ day of _____, 18 _____.

Mayor.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress.....	2	0
For serving every warrant, and making levy where the sum is not more than £20.....	2	0
Above that sum, in addition, for every £1.....	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day or part of a day	5	0
For sale, commission, and delivery of goods per pound on proceeds of the sale.....	1	0

PART III.

Preventing and extinguishing Fires.

Fire or combustible Materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-office, or other premises, fire, gunpowder, or other combustible or inflammable materials of any kind in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Setting fire to Matter without Notice.

2. Any person who shall wilfully set fire to any inflammable matter whatever in the open air within five yards of any dwelling-house or other building, or boundary or dividing fence within the said Municipality, without having given notice in writing to the occupiers of the lands or premises adjoining the lands or premises upon which such matter shall be, of his intention so to do, or shall wilfully set fire to such inflammable matter as aforesaid between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds nor less than one pound.

Discharging Firearms, &c.

3. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter in or near to any road or street within the limits of the town shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

4. If any chimney catch or be on fire the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings. Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Stipendiary Magistrate before whom the case is heard that such fire was in nowise owing to the omission or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

Burning shavings, &c., in the street

5. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipality, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

PART IV.

Streets and Public Places.—Public Health and Decency, &c.

New roads to be reported upon.

1. No new public or intended public road, street, lane, way, park, reserve, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, lane, way, park, reserve, or other place as aforesaid, shall have been levelled by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works, or some officer of the Council duly authorised in that behalf, or until the said road, street, lane, way, park, reserve, or other place as aforesaid, shall have been duly examined by the Committee of Works, or such duly authorised officer as aforesaid, and reported upon to the Council by such Committee or duly authorised officer as aforesaid.

Plan of proposed new roads, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, lane, or way, or lay out any park, reserve, or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, lane, way, park, reserve, or other place, he, she, or they shall furnish the Council with a plan or plans, signed by himself, herself, or themselves, showing clearly the position and extent of such road, street, way, lane, park, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council shall determine to take charge of any such road, street, lane, way, park, reserve, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council; and the proprietor or proprietors as aforesaid shall execute such further instrument dedicating such road, street, lane, way, park, reserve, or other place, use, or recreation as aforesaid, as may be considered necessary by the Council, and such further instrument or dedication shall also be preserved as a record of the Council.

Roads and streets and encroachments.

4. The Committee for Works, or the Surveyor of the Municipality, or other officer or person duly authorised by the Council in that behalf, shall be the proper officer for marking

out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, ways, and thoroughfares, and the carriage and footways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, ways, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, way, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such Committee for Works, or Surveyor, or other officer or person as aforesaid, to place, or cause to be erected, posts at the corners or intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footway on each side, where the road, street, lane, way, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, way, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, way, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided. Provided further that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1831."

Change of street levels.

5. Whenever it may be deemed necessary to alter the level of any such road, street, lane, way, or thoroughfare as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipal District that such plan is so opened to inspection; and no objections thereto shall be entertained by the Council unless made within twenty-one days after such notice shall have been given. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Footway or pathway when flagged or asphalted not to be interfered with without permission.

6. Whenever the footway or pathway in front of any house or the ground along any road, street, private street, or lane within the Municipality has been flagged or asphalted by the Council, the same and the asphalt or flagging thereon shall not be removed, taken up, or otherwise interfered with by any person whosoever without the permission of the Mayor or Committee for Works first being had and obtained. And every person removing, taking up, or otherwise interfering with such footway or pathway, or the flagging or asphalt thereon, without first obtaining the permission of the Mayor so to do, and any person wilfully or maliciously injuring or destroying such footway or pathway, or the flagging or asphalt thereon, shall on conviction forfeit and pay for every such offence any sum not exceeding ten pounds and not less than five shillings.

Erection of house—fee for permission, &c.

7. Any person intending to erect or put up any fence, house, shop, or other erection or building, in or upon the building line of any road, street, lane, passage, thoroughfare, place, or premises within the Municipality, shall, either by himself or by his contractor, serve, or cause to be served, seven days' notice in writing on the Mayor or Council Clerk, or other duly authorised officer, before commencing the same, stating his intention, and describing the proposed situation of the proposed fence, house, shop, or other erection or building, and shall at the time the said notice is given as aforesaid pay unto the Council Clerk, or other duly authorised officer, a fee of five shillings for permission to erect any such fence, or any such house, shop, or other erection or building; and every owner of every such fence, house, shop, or other erection or building, who shall, by himself or his contractor, commence to put up or erect any such fence, house, shop, or other erection or building, without having given such notice as aforesaid, or without having paid such fee as aforesaid, shall be liable to forfeit and pay for every such offence any sum not exceeding forty shillings, nor less than five shillings.

Pipes, gutters, &c.

8. It shall not be lawful for any person to carry by means of pipes, gutters, or other contrivances, any rain water from the roof of his or her premises or house upon any of the footways of any road, street, lane, or public place within the Municipality. Any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required so to do by any officer of the said Council, shall on conviction forfeit and pay any sum not exceeding twenty shillings nor less than five shillings. Provided that the owner or occupier of any such premises or house may convey any such rain water by means of pipes laid under the surface of any such footways into the gutter adjoining the same, and subject to the approval of the Committee for Works, or some officer of the Council duly authorised in that behalf.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any verandah, portico, or balcony, to project beyond the building line of any street, road, lane, or thoroughfare, except with the consent of the Council first obtained; nor shall any balcony, or any other external projection as aforesaid which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding ten pounds nor less than two pounds, except with the consent of the Council first obtained. Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street, road, or thoroughfare less than thirty feet wide. Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

10. The Surveyor or other officer or person duly authorised by the Council on that behalf may at any time on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, passage, thoroughfare, or public place under the charge of the Council. Notice shall in this case be served either personally, or at the usual or last known abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same or caused it to be erected.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its Overseer of Works, or other proper officer duly appointed in that behalf, and at the cost of the person so offending (provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds), or at the Council's option to proceed against the offender for the breach of this By-law, the penalty for the first offence not to exceed twenty-five pounds nor to be less than one pound; and in the case of the second and every successive offence, the penalty on conviction not to be less than two pounds nor more than twenty-five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council, either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the Overseer of Works or other officer of the Council as aforesaid, or any person acting for or under him or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Overseer of Works, or other such officer as aforesaid, shall on conviction forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Hoads or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Municipality, or cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street, road, passage, thoroughfare, or public place, or any part thereof will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail, if there be room enough to leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the Overseer of Works or other officer of the Council of the Municipality duly appointed in that behalf, during such time as the public safety or convenience requires, and shall, in all cases in which it is necessary, in order to prevent accidents place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise; and every such person who shall fail to put up such fence or hoard or platform, with such hand-rail as aforesaid, or to continue the same respectively, standing in such good condition as aforesaid, during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise, or who shall not remove the same when directed by the Overseer of Works or such other officer of the Council of the Municipality within a reasonable time afterwards as aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

15. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or footway of any street, road, lane, or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage such carriage or footway, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

16. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left, any hole adjoining or near to any street, road, lane, passage, thoroughfare, or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other buildings, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works or Foreman of Works of the said Municipality, or shall keep up or cause to be kept up and continued, any such enclosure, for any time which shall be longer than shall be absolutely necessary, in the opinion of the said Committee, and shall not place lights on each side of the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding ten pounds.

Open spaces and steps adjoining the footways to be enclosed, under penalty.

17. Every owner or occupier of any land, house, building, or premises within the said Municipality, having any entrance, arca, garden, or other open space, or any vacant building lot, waterhole, quarry, excavation, or opening in the ground adjoining or near to any foot-way of any street, road, lane, passage, thoroughfare, or public place in such Municipality, shall protect and guard the same by good and sufficient fence, so as to prevent danger to persons passing and re-passing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and re-passing; and on failure thereof, every such owner or occupier shall, as often as he shall be convicted for any such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner and occupier as aforesaid who shall fail to erect such rails, fence, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.—Penalty.

18. Every person who shall have a well or underground tank, used for domestic or other purposes, situated between his or her dwelling-house or the appurtenances thereof, and any road, street, or footway within the limits of the said Municipality, or at the side of, or in any yard or place open or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over; and if every person having such well or underground tank as aforesaid shall fail to cover over and secure the same within twenty-four hours, after notice in writing shall have been given to him or her by the Overseer for Works or other officer of the Council duly authorised in that behalf, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open and uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs.

19. The Mayor, or any officer of person acting under the authority of the Mayor, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any other necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

20. Any person who shall haul, draw, or cause to be hauled or drawn, upon any part of any street, road, lane, thoroughfare, passage, or other public place within the said Municipality, any timber, stone, or other thing otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or draw, or trail upon any part of such street, road, lane, thoroughfare, passage,

or public place, to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings, nor less than five shillings, over and above the damage occasioned thereby.

Driving carriages, &c., on footpath; and throwing filth, &c.

21. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or any matter or thing in or upon the carriage-way, footpath, gutter, or water-table of any street, road, lane, thoroughfare, passage, or public place in the said Municipality; or shall kill, slaughter, dress, or cut up any beast, swine, sheep, lamb, or other animal in or so near to any such street, or public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage-way, footway, gutter, or water-table; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street, road, lane, passage, thoroughfare, or public place, any waggon, cart, dray, sledge, or other carriage, truck, or any bicycle or tricycle, or any hogshead, cask, or barrel; or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Placing carriages, goods, &c., on footways, &c.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

22. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatever; or shall hoop, place, wash or cleanse; or shall cause to be hooped, placed, washed or cleansed any pipe, barrel, cask, or vessel in or upon or over any carriage-way, footway, gutter, or water-table in any street, road, lane, passage, thoroughfare, or public place within the said Municipality; or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage; or taking up or setting down any fare; or waiting for passengers when actually hired; or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage-way, foot-way, gutter, or water-table, any timber, stone, bricks, lime, or other material or things for building whatsoever (unless the sanction of the Overseer of Works or other officer of the Council duly authorised in that behalf has been first had and obtained, or unless the same shall be enclosed to the satisfaction of the Overseer of Works or such other officer as aforesaid) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such foot-way, carriage-way, gutter, or water-table, or over any area of any house or building premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto any such street, road, lane, passage, or thoroughfare, or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other officer of the Council duly authorised in that behalf; or if any person who, having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stone, bricks, lime, meat, offal, or other things, or matter whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot way of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shilling nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such manner as that such an awning shall be at least eight feet above the proper level of the foot-way, and that the posts be placed close to the kerb-stone or outer edge of such foot-way, and that the said posts and any framework be erected to the satisfaction of the Council, and as may from time to time be directed by the Council.

Public Health.

23. All drains, earth-closets, privies, and cess pits, and ash-pits, on any premises in the said Municipality constructed shall be maintained and kept by the owner, occupant, or agent of such premises, so as not to be a nuisance or injurious to health, and so as that there shall be no overflow or soakage therefrom.

24. No person shall carry or convey, or cause to be carried or conveyed, through, upon, or over any street, or public place in the said Municipality, except within the hours of ten o'clock at night and five in the morning, any unwholesome or offensive matter of any kind whatsoever, and nothing herein contained is to have the effect of repealing any By-law now in force for the mode and times of removal of nightsoil.

Sale of blown Meat, &c., forbidden.

25. No person shall sell, or expose, or have for sale, or keep on his premises, any meat or any other article intended, but unfit for human food, or shall expose or have for sale any adulterated butter, meal, bread, or other article of food, or any adulterated milk, knowing either of them to be so adulterated; and any person offending against this By-law shall, for every such offence, be liable on conviction to pay a penalty not exceeding twenty pounds, and shall also be liable to a further penalty, not exceeding five pounds, for every day during which any forbidden article shall be kept on the premises of such person.

No Person to keep Meat unfit for Food.

26. No person shall keep or have in his possession, or retain in any building, shop, or other place, exposed for sale, any dead animal, carcass, meat, poultry, or fish, intended for, but unfit for human food, and every person offending against this By-law shall, for every such offence, be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which any such forbidden thing shall be kept or retained by any such person.

Sale or Letting of Infected Premises or Goods.

27. If any person shall sell, let, or cause to be sold or let, any dwelling-house, or part thereof, or premises occupied in connection therewith in the said Municipality, which then is, or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds, nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let, in the said Municipality, any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing Infected Articles.

28. Any person who shall expose, or cause to be exposed in any road, street, public place, or unclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Regulation of Traffic in Streets.

29. Any person or persons riding or driving into or out of any yard or alley abutting on any street or road within the Municipality, shall do so at a walking pace, and anyone offending against this By-law shall, on conviction, be liable to a penalty of not less than five shillings nor more than two pounds.

30. All persons conducting or taking horses along any street, thoroughfare, or public place within the Municipality, shall keep them secured by means of a halter or bridle, and shall lead them, and no person shall run or drive, or cause to be run or driven, any horse or horses loose through any such street, thoroughfare, or public place, as aforesaid; nevertheless that horses being taken to the public pound, and afterwards impounded therein or mobs of horses being driven to or from market, shall not be within the meaning of this By-law. Every such person so offending shall upon conviction forfeit and pay a sum not less than five shillings nor more than two pounds.

31. No driver of any vehicle shall be or remain at such a distance from his vehicle, anywhere within the said Municipality, so as not to have immediate and full control over the same, unless he shall have previously locked the wheels thereof. Every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than five shillings.

Riding Bicycles or Tricycles on Footpaths.

32. Any person who shall ride a bicycle or tricycle along or upon any of the footpaths within the Municipal District of Camden shall, upon conviction before two Justices of the Peace, forfeit and pay any sum not more than two pounds nor less than five shillings.

33. Any person who shall ride a bicycle or tricycle upon or along any street in the said Municipality without having a light attached to the same, between sunset and sunrise, shall, upon conviction before two Justices of the Peace, forfeit and pay any sum not more than two pounds nor less than five shillings.

Riding or driving furiously.

34. Any person who shall ride or drive through or upon any street, road, lane, passage, thoroughfare, or public place within the said Municipality, so negligently, carelessly, or furiously as to create alarm, or so as that the safety of any other person or of any property shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Damage to kerbstones, gullies, &c.

35. No driver or carter or other person shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to any culvert, kerbstone, gutter, or pathway in any street or roadway in the Municipality aforesaid; and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than ten shillings over and above the damage done.

Loitering in the streets, &c.

36. Any person loitering or standing on the footway or carriage-way of any road, street, lane, or other public place within the said Municipality, so neglecting or refusing without reasonable cause or excuse to move on after having been requested so to do by any constable or other police officer, or any officer duly authorized by the Council of the said Municipality in that behalf, shall on conviction forfeit any sum not exceeding ten pounds nor less than five shillings.

*Blasting Rock.**No rock to be blasted without notice to the Council Clerk.*

37. Any person or persons who shall be desirous of blasting any rock within one hundred yards of any street, road, lane, passage, thoroughfare, or public place, or dwelling-house in the Municipality, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person or persons shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him or them by the said Council Clerk, he, she, or they shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

*Public Property.**Injuring or extinguishing lamps.*

38. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality shall, over and above the necessary expense for repairing the injury committed, be liable to forfeit any sum not less than one pound nor more than five pounds.

As to damaging buildings.

39. Any person who shall damage any public building, gate, rail, parapet, fence, sluice-bridge, culvert, sewer, watercourse, or other public property within the Municipality, shall pay the costs of repairing the same; and if any damage be wilfully done, shall be liable to forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

40. If any person or persons shall paste, or cause to be pasted, or otherwise affix any placard or other paper, or chalk, or paint upon any wall, house, fence, culvert, kerbstone, pathway, hand-rail, or other property of the Council, or in any other manner deface the same without authority of the Council, he or they shall be liable to forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

41. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street, road, lane, passage, thoroughfare, reserve, park, or public place under the management of the Council, shall be liable to forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways.

42. If the owner or occupier of any land situate on the side of any street, road, lane, thoroughfare, or other public place within the Municipality, shall permit any shrub or plant, kept for ornament or otherwise, to overhang any footpath, footway, or carriage-way, on the side of any such street, road, lane, passage, thoroughfare, or other public place, so as to obstruct the passage thereof, and shall not, on demand made by the Council, or their Inspector, Overseer, or other officer duly authorized on that behalf, cut or cause to be cut, or lop or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at the least, the Council and their servants, labourers, and workmen, may cut, lop, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and may

remove or burn, or cause to be removed or burnt, any portion of such trees so cut and lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every such person so offending shall on conviction for every such offence be liable to forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c.

43. Any person who shall injure any public fountain, pump, cock, water-pipe, or any other thing connected with the preservation or supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding ; and any person who shall bathe and wash himself, or shall wash any clothes or other article at or in any reservoir, channel, fountain, or basin provided for public use, or who shall in any other way foul the water preserved or used for the purpose aforesaid, shall forfeit and pay any sum not exceeding

Dead animals, &c., not to be thrown into any public water-courses, &c.

44. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, road, or pathway; or who shall suffer any slops, suds, or filth of any kind to flow from his or her premises into any such watercourse, waterhole, river, creek, or sewer; or shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways, water-tables, or streets of the Municipality; or shall permit or cause by means of pipes, shoots, channels, or other contrivances, any such suds or filth of any kind whatsoever to flow into any public watercourse, waterhole, river, creek, or sewer; or shall obstruct or divert from its channel any sewer or watercourse, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds, and shall pay cost of restoring such obstructed or diverted watercourse, creek, or canal.

Dead animals—mode of removal.

45. If any animal shall die in any part of the Municipality, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Power of Inspector as to dead animals or private premises.

46. The Inspector of Nuisances, or any other officer appointed by the Council of the Municipality, may at any hour in the daytime enter upon any premises or place within the said Municipality where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and, if necessary, to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for that purpose; and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition shall forfeit and pay any sum not exceeding thirty pounds nor less than three pounds.

Dead animals, in certain cases, to be removed at cost of owner.

47. If any animal shall die in any public street or place within the Municipality, it shall be immediately removed by the Inspector of Nuisances, or other officer appointed by the said Council, and destroyed in the manner aforesaid, at the cost of the owner.

Hog-sties to be forty yards from streets, and no animals suffered to stray, &c.

48. Any person who shall keep, breed, or feed any kind of swine in any house, building, yard, garden, or other place, situated and being within forty yards of any street, road, lane, thoroughfare, park, reserve, or public place in the Municipality or nearest dwelling-house, or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature, or any poultry belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any such street, road, lane, park, reserve, thoroughfare, or public place, shall on conviction forfeit and pay any sum not exceeding forty shillings nor less than five shillings, for each and every animal so kept, bred, fed, suffered to stray, or go about, or to be tethered or depastured in any such street or public place as aforesaid, and the owner or occupier of any house or premises, or other place within the said Municipality, wherein any such swine, horse, ass, mule, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatsoever, shall within the meaning of these By-laws, be deemed the owner of such animal so kept, bred, fed, suffered to stray, or to be tethered or depastured in any such street or public place as aforesaid; and the words "any house," "building," "yard," "garden," or "other place," wherein any

kind of swine shall be bred or kept as aforesaid, shall respectively be deemed hog-sties within the meaning of these By-laws; and the word "horses" shall be sufficient designation for any entires, geldings, mares, or foals, and the word "cattle" for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

Stables, cow-sheds, and pig-sties.

49. The occupier of any land or premises within this Municipality, on which there shall be erected any stable, cow-yard, fowl-house, cattle-shed, or pig-sty, shall cause such premises to be kept in such a state in respect to cleanliness as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure, produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and there to be in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure, to be from time to time removed from such premises, as often as the quantity so collected shall amount to one cubic yard. And if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom as aforesaid, the same shall be removed by the Inspector of Nuisances, at the expense of such occupier. For an offence against this By-law any person shall be liable to a penalty of not less than one pound nor more than five pounds.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

50. If up the certificate of any two duly qualified medical practitioners it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default. Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

As to private avenues, or dirty or unwholesome premises.

51. Any owner or occupier of any house, building, yard, garden, premises, or other place within the Municipality, who shall neglect to keep clean any private avenues, passages, yards, thoroughfares, and ways within the said premises so occupied or belonging to him, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than ten shillings for every such offence.

Cleansing butchers' shambles, slaughter-houses, &c.

52. For preserving the cleanliness of the Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he, they, or any of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments, manufactory, factory, or establishments in the Municipality, and give such directions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him, them, or any of them, shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds, and not less than ten shillings.

Complaints respecting dirty premises, &c.

53. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other officer appointed by the said Council, shall make an inspection of the premises complained of, and the Inspector of Nuisances, or other officer appointed by the Council as aforesaid, shall have full power, without any other authority than this by-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain and be in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds, nor less than one pound.

Various obstructions and annoyances.

54. Every person who, in any street, road, lane, thoroughfare, park, reserve, or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers in or through the Municipality, shall commit any of the following offences, shall, on conviction for any and every such offence, forfeit and pay a penalty of not more than five pounds:—

- (1.) Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street, road, lane, passage, thoroughfare, or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey or cause to be carried or conveyed in any street, road, lane, passage, thoroughfare, or public place, the carcass or any part of the carcass of any newly-slaughtered animal without a sufficient clean and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Throwing filth, &c., on footways, &c.—Killing animals.

- (3.) Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or filth, or annoyance, or any matter or thing, into any public watercourse, sewer, or canal, or in or upon the carriage-way, footway, or water-table of any street, lane or other public place in the said Municipality, or shall kill any beast, swine, calf, sheep, lamb, or other animal for the purpose of sale, upon any premises within one mile of the Post Office, shall, on conviction, forfeit and pay a fine not less than forty shillings nor more than five pounds, and shall in addition to any such forfeiture pay the cost of removing such filth or obstruction.
- (4.) Every person who shall place any line, cord, or pole, across any street, road, lane, passage thoroughfare, or public place within the Municipality, or hang or place clothes thereon, or allow any tree or shrub to overhang the footpath to the danger or annoyance of any person.
- (5.) Every person who shall haul, place, or cause to be hauled or placed, any boat, gear, or spars, upon any of the reserves within the Municipality aforesaid, and refusing to remove the same when lawfully requested so to do.
- (6.) Every person who shall place any flower-pot in any upper window near to any street, road, lane, passage, thoroughfare, or public place within the Municipality, without sufficiently guarding the same from being thrown down.
- (7.) Every person who shall place, hang, or affix any sign-board, post, house-ticket, notice, or other similar thing, otherwise than close and parallel to or flat upon the wall of the house, shop, or building to which the same belongs.
- (8.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or buildings are being erected, pulled down, or repaired).
- (9.) No person shall deposit, or cause or suffer to be deposited, in or by the side of or on any road, street, right-of-way, lane, passage, water-channel, or gutter, or in any creek, or in any other public place within the Municipality, any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil; and no person shall deposit or cause or suffer to be deposited, any night-soil or any other offensive matter on any land, field, or garden, within the Municipality.
- (10.) Every person who shall carry goods on any frame to the annoyance of any person upon the footway of any street, road, lane, or other public footway.
- (11.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way or use of any private yard, alley, street, or any other place within the said Municipality.

Passengers, &c., not to be interrupted by dusting.

- (12.) Between the hours of eight o'clock in the morning and seven o'clock in the evening of any day, no person shall cause interruption, annoyance, or inconvenience to passengers along the streets or footpaths of the said Municipality, by raising or discharging dust upon or across any such street or footpath, whether from buildings in process of erection or demolition, or otherwise howsoever.

- (13.) Any person who, being the owner or person in charge of any pigeons, shall permit any such bird to be at large within the Municipality, shall on conviction forfeit and pay a penalty not exceeding forty shillings, nor less than ten shillings, and any person duly authorized by the Council may destroy such bird without being responsible to any person claiming the ownership of such bird.

Bathing prohibited within certain limits.

55. Any person who shall, except in proper costume, bathe near or within view of any inhabited house, or of any public bridge, street, road, or other place of public resort, within the limits of the Municipality, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of the person.

56. Any individual who shall offend against decency by exposure of his or her person in any street, road, lane, passage, or thoroughfare, or public place within the Municipality, or in view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds, nor less than one pound.

PART V.

Noisome and Offensive Trades.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

1. Upon the complaint in writing by any householder, that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of his or her family, or to otherwise annoy, injure, or be a nuisance to such householder and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a noisome or offensive trade, within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling or operation as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence, a sum not less than ten pounds nor more than fifty pounds.

Mode of proceeding when noisome or offensive trade is about to be commenced.—Penalty.

2. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove noisome and offensive within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measure as shall effectually and permanently prevent the same from becoming noisome and offensive within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way noisome and offensive within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

Service of notice.—Liabilities.

3. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the

purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14th Victoria, No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the Municipality, nor shall any bowling alley, dancing saloon, or other place of public amusement, other than a place licensed as aforesaid, or place for temporary amusement hereinafter specially provided for, be used as such, for hire or profit, within the Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor.—Penalty for exhibiting, &c., without license.

2. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the Municipality to be used for purposes of public amusement other than entertainments required to be licensed as aforesaid for not more than one week: Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid; or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality. Every person holding or keeping such exhibition, or using any place within the Municipality for public amusement as aforesaid, or causing or permitting such place to be used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid in or upon such building or ground, and the name of such occupier. And every person who causes, and every occupier of any such building or land who permits any such exhibition to be held or kept, or any public amusement to be conducted for longer than one week in or on any such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence any sum not less than one pound nor more than twenty pounds.

Certificates of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid, stating the particulars aforesaid; and if, upon inspection by the proper officer, the building or land shall have been found to be secure and proper for the purpose stated; and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or to be a nuisance to any inhabitants of the said Municipality, the said Council shall cause the aforesaid premises to be registered in a registry book, to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises. And the said Council may at any time, and for any of the causes hereinafter mentioned, suspend for a stated period the effect of or cause of any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land; and during such suspension, or after such cancellation, such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council duly authorized in that behalf may at all reasonable times enter into or upon and inspect any such registered building or land.

No exhibition, &c., on Sundays, &c.

6. No such exhibition or place of public amusement as aforesaid, shall be held, except by permission of the Council, or kept open or used for the purposes of such public amusement on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Registration fee.—Time for which registration shall be in force.

7. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Municipality, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing, and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein, and no other.

8. The certificate of registration aforesaid shall be regarded as a license from the Council for the holding or keeping of the exhibition, or for carrying on the public amusements therein mentioned, but for none other. Any occupier of such building or land who shall hold or keep therein or thereon any exhibition, or shall use such building or land for any public amusements other than such exhibitions or amusements mentioned in such certificate or license, shall for every such offence forfeit and pay any sum not less than ten shillings, nor more than ten pounds.

Unlawful games and exhibitions.

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any game with dice or other games of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality, or involving cruelty to animals, or likely to cause any breach of the peace, are proposed to be had or carried on, and the occupier of any building or land so registered as aforesaid who shall permit any such game of chance, or exhibition, or amusement as are in the section before-mentioned, to be had, held, or carried on, in, or upon such building, shall for every such offence forfeit and pay a sum of not less than ten shillings, nor more than ten pounds.

Suspension or revocation of license.—Notice to be given and licensee to be allowed to show cause.

10. The effect of any such registration as aforesaid may be suspended, or such registration may be cancelled, as the Council may think fit, for any of the following cases, namely: Whenever the occupier of the registered building or land, or the manager of any such exhibition or amusement, as aforesaid, held, kept, conducted, or carried on, in, or upon such building or ground, shall have been twice convicted of offences against these By-laws within a period of twelve months, or whenever it shall be shown to the satisfaction of the said Council that the Superintendent, Director, or Manager, or other person in charge of any such exhibition or amusement, is a confirmed drunkard, or that such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace, or become a nuisance to any inhabitants of the Municipality: Provided that before any such suspension or cancellation as aforesaid, the occupier of such registered building or land shall have notice of the fact, the said Council is about to consider whether there shall be any such suspension or cancellation, and of the causes of this proceeding, and shall be allowed to show cause against such suspension or cancellation before the same shall be ordered.

Construction of term "occupier"—Change of occupancy—False statement.

11. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition, or public amusement as aforesaid, in or upon any building or land as aforesaid, or who shall reside in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on; or who, being the owner, lessee, or tenant of any such building or land, shall permit the same to be used for the purposes of any such exhibition or public amusement, shall be deemed to occupier of such building or land for all the purposes of these By-laws. And the said By-laws shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every other occupier whose name shall have been so registered as aforesaid shall be deemed and taken to be, and continue to be such occupier for all the purposes of these By-laws. Provided that in the event of any change in the occupancy of any such building or ground as aforesaid, it shall be competent for the parties concerned to notify the same, by writing under their hands, to the Council Clerk, who shall lay such notification before the Council at its next meeting; and if, after such inquiry as such Council may deem necessary, there shall seem to be no valid objection to such change of occupancy, a corresponding entry shall be made in the registry aforesaid, and a new certificate shall be issued, which shall be in force until the then next ensuing thirty-first day of December, and no longer. And for every such new certificate a fee of five shil-

lings shall be paid to the said Council Clerk for the benefit of the said Municipality. And every person who shall make any false statement in any such application or notice as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall for every such offence forfeit and pay any sum not less than one pound nor more than twenty pounds.

PART VII.

Water Supply.

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead; or any rubbish, filth, stuff, or thing of any kind whatsoever; or shall cause or permit, or suffer to be run or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water; or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid; or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall, for the first offence, be liable to forfeit and pay any sum not exceeding five pounds, for a second offence any sum not less than five pounds nor more than ten pounds, and for a third, and every subsequent offence, any sum not less than ten pounds nor more than twenty pounds.

Wilful waste of water.

2. Whosoever, being supplied with water by the Council from any waterworks, fountain, reservoir, or standpipe, or belonging to, or under the control or management of the said Council, or having access to any such waterworks, fountain, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump, or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds, for a second offence any sum not less than one pound nor more than twenty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than forty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural watercourse, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds, and if within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment he shall for every such offence forfeit and pay a sum of fifty pounds.

Diverting waters from reservoirs of Council in certain cases.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water having fallen on any gathering ground, whosoever shall, by any means whatsoever, divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks, or some watercourse leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than twenty pounds, for a second offence any sum not less than two pounds nor more than forty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than fifty pounds.

PART VIII.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair or cleanse, or cause any such private drain or sewer to be repaired or cleansed according to the directions of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Disposal of sewerage, &c.

3. The Council shall have power from time to time to enforce the adoption or alteration of any system which to them may appear necessary for the better regulation, disposal, or treatment of night-soil, sewerage, or other drainage, and may suspend the use or further extension of any system which to them may appear detrimental to public health. Any person refusing to comply with any requisition made under this By-law after receiving notice from the Council or an officer under them shall forfeit a sum not exceeding five pounds nor less than one pound for each offence.

PART IX.

By-laws for the Municipality of Camden for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. No cesspit, closet, or pit to contain faecal matter shall be allowed to be made. Every person about to erect an earth closet shall, before he commences any such work, give to the Council Clerk seven days' notice in writing of his intention, and of the proposed position of such earth closet, or in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty of not less than one pound nor more than five pounds.

2. No earth closet shall be erected except in such position as shall be approved by the Inspector of Nuisances or other officer appointed by the Council, or shall be approved by the Council, and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

3. Every earth closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide, and 4 feet 6 inches long, and shall be provided with a door capable of being fastened from the inside, and shall be ventilated; and every person building a closet contrary to this By-law shall be liable to a penalty of not less than one pound, nor more than five pounds.

4. A separate closet shall be provided for every tenement. In schools or factories, where a number of persons shall be employed, separate closets shall be provided for each sex, with a door to fasten on the inside; where two or more closets adjoin each other, there shall be a dividing wall between each to effect a complete separation, and any person offending against the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds.

5. Every earth closet already built, or hereafter to be built, shall be provided with an iron pail, capable of containing not less than six gallons, and having handles attached to two sides thereof, and also with a box or compartment containing dry earth or ashes, and provided with a pint scoop, to enable any person using the closet to throw a pint of dry earth or ashes through the seat into the iron pail.

6. The owner of every house let to a tenant for a shorter term than one year, or his agent employed to let the house, shall be liable to a penalty of not less than one pound nor more than five pounds, for neglecting or refusing to supply the articles mentioned in Section 5 of this Part of these By-laws.

7. When two or more closets adjoin each other, there shall be a sufficient dividing brick or stone wall not less than nine (9) inches in thickness between every two closets, and such wall shall extend from the bottom of the closet through the roof of the closet, so as to effect a complete separation; and every person building closets adjoining each other contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

8. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside, or be occupied, or employed, one closet shall be provided for every twenty persons, and separate closets shall be provided for each sex; and every owner, occupier or tenant of such school, factory, or other place of business, and every other person who shall offend against this By-law, or fail to provide the number of closets and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

9. Every closet shall be built in such a position that the same may be emptied without the contents being carried through any dwelling house; and every person building a closet contrary to this By-law shall be liable to a penalty of not less than one pound, nor more than five pounds.

10. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances, or any officer appointed by the Council in that behalf, for preserving the public health or decency, in the case of any existing closet, and the Council shall adjudge such closet to be either injurious to health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances, or other officer, and the cost of such alterations shall be paid by the owner or occupier of the premises whereon the same shall be.

11. All night-soil shall be removed by the contractor to the Council in carts to be constructed in an approved and water-tight manner to the satisfaction of the Council, and between the hours of ten p.m. and five a.m. The contractor shall convey the same without delay to an appointed depot, and shall dispose of the same by burying in the earth to a depth of two feet from the top of the night-soil, and covering with earth, so as to prevent any nuisance. And any contractor neglecting to comply with this By-law shall forfeit and pay a sum not exceeding twenty pounds, and not less than ten pounds for every such offence.

12. The place of deposit shall be in such locality as may be from time to time determined upon by the Council and approved of by the Governor.

13. Until otherwise provided by the Council, all night-soil from existing closets shall be removed from cesspits by contract in water-tight covered vehicles between the hours of eleven o'clock in the evening and five o'clock in the morning.

14. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

15. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided, and on being removed from the vehicles in which it is carried shall be deodorized by chemicals or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom. Any person guilty of a breach of this By-law shall be punishable by a penalty of not less than one pound nor more than twenty pounds.

16. When any new building is about to be erected, the builder thereof shall first erect and fence off with a close-paling fence, five feet high, on the premises a temporary closet, not less than three feet by two feet six inches, for the use of the workmen employed on such building; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds and not less than two pounds.

17. All earthclosets shall be emptied once in seven days, or oftener, and the contents buried in the earth; and every person infringing this By-law shall be liable to a penalty of not less than one pound nor more than two pounds.

18. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil brought from elsewhere; and in the event of his so doing, he shall be liable to a penalty of not less than two pounds nor more than ten pounds.

19. The Council may recover such sums for the emptying of any closet as may be decided upon from time to time by resolution of the Council.

20. On and after the first day of October, in the year of our Lord (1839) one thousand eight hundred and eighty-nine, no persons shall be permitted to have in their premises an open closet or cesspit for the deposit of faecal matter, and any person or persons allowing any such closet or cesspit to remain after receiving seven days' notice to remove the same, shall forfeit a sum not exceeding five pounds, nor less than one pound; and after such conviction, if not removed within a further period of seven days, shall forfeit a further sum not less than five shillings nor more than two pounds for every day that the same shall remain unaltered or unremoved.

21. No person shall be permitted to cover up, or cause to be covered up, any existing cesspit with earth or other material, unless and until the same shall be properly emptied by the Council's contractor. Any person offending against this By-law shall be liable to a penalty of not exceeding five pounds, nor less than one pound.

22. The Inspector of Nuisances, or other officer appointed by the Council, may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act, 1875," therein, on all days except Sundays and public holidays, between the hours of ten o'clock in the morning and four o'clock in the evening.

Made and passed by the Municipal Council of the Municipal District of Camden, this 26th day of October, A. D. 1839.

(L.S.) FREDK. HY. BURNE,

FRANK CAMPBELL,
Council Clerk,

Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF NOWRA—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 153, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 4th January, 1890.

MUNICIPAL DISTRICT OF NOWRA.—BY-LAWS.

The following By-Laws, made by the Council of the Municipal District of Nowra, under the "Municipalities Act of 1867," the "Nuisances Prevention Act 1875," and the "Public Parks Act of 1884" respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Acts.

HENRY PARKES.

PART I.

PROCEEDINGS OF THE COUNCIL AND COMMITTEES.—PRESER-
VATION OF ORDER AT COUNCIL MEETINGS.—DUTIES OF
OFFICERS AND SERVANTS, &C.

By-laws repealed.

1. All existing By-Laws of the Council of the Municipal District of Nowra, published in the Government Gazette from time to time prior to the adoption of the following, shall be and are hereby repealed.

Meetings of the Council.

Ordinary meetings.

2. The Council shall meet for the dispatch of business at such times and days as may be by resolution appointed.

Election of Chairman in absence of Mayor—adjournment for want of quorum.

3. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman, to act during the absence of the Mayor. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the minute book.

Order of Business.

Business of ordinary meetings.

4. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read, and, if necessary, ordered upon.
4. Reports from Committee and minutes from the Mayor (if any) to be presented and ordered upon.

5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committee or officers to be made.
6. Matters which have been specially ordered to be placed on the business paper by the Mayor.
7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
8. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

Provided that it shall be competent to the Council at any time by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Aldermen at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meeting—how prepared.

6. The business paper for every meeting of the Council, other than a special meeting, shall be made by the Council Clerk, or other person acting as his substitute, not less than forty-eight nor more than seventy-two hours before the day appointed for such meeting. He shall enter on such business paper a copy of the substance of every notice of motion and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 4 of this "Part" of these By-laws, in the same order as such notice, requisition, or direction shall have been received.

Business paper for special meeting.

7. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meetings.

Summons to members.

8. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

9. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of, unless withdrawn before business paper made up.

10. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute book of the manner in which such matter has been disposed of shall have been duly verified as required by section 1 of clause 4 of this "Part" of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up, all notices, &c., to be the property of the Council.

11. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

*Motions and Amendments.**Motions—how to be moved.*

12. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Notice to be given.

13. Four clear days' notice of every motion intended to be made in the Council, shall be given to the Council Clerk, to enable him to place the same on the business paper.

Motion to be seconded.

14. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

15. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

16. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

17. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

18. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

19. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

20. No motion for adjournment of the Council shall be discussed. If seconded, such motion shall be put at once. If negatived, no similar motion shall be permitted to be made until half an hour has elapsed after putting the one that has been negatived, and the subjects on the business paper shall be proceeded with in order.

*Orders of the Day.**Of what orders of the day shall consist.*

21. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or any committee of the Council shall have directed to be entered on the business paper for consideration.

*Petitions.**Petitions to be respectfully worded.*

22. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

23. All petitions shall be received only as the petitions of the parties signing at the same time.

How petitions are to be dealt with.

24. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to one of the permanent Committees hereinafter mentioned, or to some special Committee appointed to consider and report on the same; or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

*Correspondence.**Duties of Mayor as to correspondence.*

25. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 22 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 24 to apply to letters.

26. Section 24 of this "Part" of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

*Reports from Committees and Minutes from the Mayor.**Form of Report.*

27. All reports from Committee shall be written on foolscap paper with a margin of at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of same.

Mayor's minute.

28. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing. Every such minute shall be written upon paper of any kind, and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with.—Duties of Chairman, &c., in certain cases.

29. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk, such a notice of motion, requisition, or direction as aforesaid, as will enable such Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Report on Finance Committee on payment of accounts.

30. The adoption of the report of the Finance Committee on the payment of accounts shall take precedence of every other report.

Questions and Statements.

Limitations as to questions and statements.

31. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 34 of this "Part" of these By-laws.

Notice to be given.

32. Twenty-four hours' notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents: Provided, however, that nothing herein contained, shall prevent any question being put and answered without notice, by the permission of the Mayor and Council.

Answer not compulsory.

33. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

34. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

35. Every such statement must be made without argument.

No discussion on question, &c.—Rights of objection and of subsequent motion reserved.

36. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such statement is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question or reply, or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council, &c.

37. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or any discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from doing so by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Aldermen, as the case may be.

Speaker not to be interrupted if in order.

38. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speeches, &c.

39. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than mover of such original motion, shall have a right to speak once upon such motion and on every amendment thereon. No Alderman shall speak upon any question other than upon a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observation than may be necessary for the purpose of such explanation.

Mover and seconder.

40. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Limited time of speaking on motion or amendment.

41. No Mayor, Chairman, or Alderman shall speak upon any motion or amendment for a longer time than ten minutes except by permission of the Council.

Speaker not to digress, &c.

42. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to any other Alderman.

Adjournment of Debate.

43. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

44. If two or more Aldermen rise to speak at the same time, the Mayor or Alderman shall decide which of such Aldermen shall be first heard.

Aldermen may require questions to be stated, &c., under certain restrictions.

45. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made *bona fide*, it shall not be complied with.

Mayor or Chairman may move or second motion, &c., and may address Council thereon.

46. The Mayor or Chairman may propose or second any motion, and such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order.

47. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of Disorder.

48. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any language which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call Member to order.

49. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any Member may raise question of order.

50. Every member of the Council shall have the right of calling the attention of the Mayor or the Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member may consider out of order.

Mode of proceeding thereon.

51. A member named by the Mayor or Chairman as being disorderly, shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise, as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be reopened: And provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

52. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting upon the same.

Motion out of order to be rejected.—Members to explain, retract, or apologise, &c.

53. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Aldermen shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalty for persisting in disorderly conduct.

54. Any member of the Council who shall have been named by the Mayor or Chairman as being disorderly, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, as defined in section 48 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction for the first offence, to a penalty of not less than ten shillings nor more than five pounds; and on second conviction for the like offence, he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on the third conviction and for every further conviction for the like offence he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council to dissent from ruling.

55. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by immediate motion, respectfully worded, invite the Council to dissent from such decision: Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which, in his opinion, is contrary to law.

Mode of Voting.

How questions are to be put.

56. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalty for refusing to vote.

57. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative, and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may, under certain circumstances, be expunged.

58. Every Member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book; but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice), be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Rules applicable to business in Committee.

59. The following sections of this "Part" of these By-laws shall (except as is herein excepted) be taken to apply to the conduct of business in Committee of the Whole Council, namely—sections 15 (except that it shall not be necessary that any motion or amendment in Committee shall be seconded), 16, 17, 18, 19, 36, 37, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, and 57.

Disorderly conduct in Committees—Refusal to vote.

60. Whenever any member of the Council shall, while the Council is in Committee of the Whole, be considered guilty of an offence against good order within the meaning of section 51 of this "Part" of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried such matter shall be reported accordingly, and an entry of such report shall be made in the minute book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 57 of this "Part" of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the Whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

61. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provision of section 47 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried, such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported, &c.

62. Any Alderman may at any time during the sitting of a Committee of the whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day; or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee—Want of quorum in Committee.

63. All reports of proceedings in Committee of the whole Council shall be made to the Council, *vis à voce* by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making of any such report as aforesaid it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceeding.

How reports are to be dealt with.

64. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 60 of this "Part" of these By-laws of disorderly conduct in Committee, or under section 57 of this "Part" of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

65. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

66. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such members shall have previously been granted, or if such

an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

67. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

Standing Committees.

68. There shall be five Standing Committees, namely—a By-law Committee, a Committee for Works, a Finance Committee, a Parks Committee, and a Committee for General Purposes. These Committees shall be reappointed every year, at the first meeting of the Council which shall be holden after the election of the Mayor.

Constitution of Standing Committees.

69. Each of the Committees shall consist of the whole Council, three to form a quorum.

By-law Committee.

70. The By-law Committee shall prepare, for the consideration of the Council, drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws and of any statute of which the operation has been or may be extended to the Borough, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Works.

71. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges and reserves under the care and management of the Council. They shall inquire and report from time to time, as directed, as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

72. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to effect, or be likely to effect, the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Parks Committee.

73. The Parks Committee shall have the care, custody, and control of all public reserves and other public places under the care and the management of the Council; and all works ordered or sanctioned by the Council to be made therein shall be under their general direction. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

74. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council not coming within the province of one or other of the before-mentioned Standing Committees, and shall from time to time inquire into and report upon any such subject, matter, or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

75. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee

ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution of the Council; and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

76. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Term of Service in Committees.

77. Appointments to the By-law Committee, the Committee of Works, the Finance Committee, and the Parks Committee shall be for the whole municipal year. The Chairman of these four Committees as appointed to or removed from the Chairmanship of the same, shall be thereby and without any further order regarded as having been appointed to or removed from the Committee for General Purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 109 and 110 of the Municipalities Act of 1867; and that so much of this By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Committee Meeting, how called.

78. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Records of transactions in Committee.

79. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

80. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with orders of the Council.

81. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor, for necessary current expenses, to the extent of ten pounds.
3. By order of the Mayor, and any two Aldermen, or without the Mayor, or any four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

All claims to be examined and reported upon by Finance Committee.

82. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's order.—Certificate to be attached to report.

83. No payment shall be so ordered unless there shall be a certificate memorandum from the Committee, Mayor, or officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that the requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment. Provided, however, that such special report as last herein mentioned may be embodied with a report by which payment of the amount in question is recommended. Provided also, that in cases of special expenditure under section 81 of this "Part" of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate. And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount, shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorizations shall be attached respectively to the reports from the Finance Committee on the payments or outlays to which such certificates, memoranda, or authorizations have reference.

Common seal and records of the Council.

Common seal and press, how secured.—Care of same.

84. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how common seal to be used.

85. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or, in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected.

86. The Council Clerk shall keep such books of account and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also, to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined.—Provisions for proper keeping of the same.

87. The minute-book, letter-book, and all rate and assessments books, books of account, records, statements, and memoranda of receipts and expenditure, electoral rolls and other records relating to elections, business papers, reports from Committees, minutes from the Mayor, petitions, letters on municipal business, addressed to the Council or to the Mayor, or to any officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawing, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records other than the minute-book and other books, and other than electoral rolls and other records relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Council Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered, to which there is any reference in the minute-book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council, or a report has been brought up by any Committee thereof, in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records,

Impression of seal not to be taken, &c., without leave of Council.—Penalties.

88. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds, for a second offence to a penalty not less than one pound or more than ten pounds, and for a third and every subsequent offence to a penalty of not less than five pounds or more than twenty-five pounds.

Records not to be removed, &c.—Penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matter of evidence.

89. Any person removing any such book or other record of the Council as aforesaid from the Council Chamber, or the place where by direction of the Council such book or other record is usually kept, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal, as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to effect the further liability of any person who shall have removed such book or other record as aforesaid, and shall not have returned the same, to prosecution for stealing such book or record, or to an action at law for detention of the same, as the circumstances of the case may warrant: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk by the Mayor, in order that such Clerk may post up entries, prepare returns, or perform any other duty which it may be necessary that he should perform: also, that the Mayor, or the Chairman of any Committee, or any Alderman acting for any such chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution at suit at law by, against, or at the instance of the Council; but in all such cases such Council Clerk, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be carefully preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed: And provided also, that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a Court of law shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as may be, and shall, before removing the same, leave at the Council Chamber a receipt for such book or other record as aforesaid; and every such person so temporarily removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

90. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

Notice to candidates in certain cases.

91. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications for qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

92. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

93. Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried officer or servant of the Corporation to any other permanent office or employment at the disposal of the Council to which no further salary is attached; or to prevent the appointment in like manner of any such officer or servant to any other office or employment of which the duties require only occasional attention, and are to be paid by allowances proportionate to the extent of such duties; or to prevent any similar appointment or employment by the Mayor or by any Committee or officer of the Council under the authority of any By-laws; or to prevent the employment as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Borough.

Bonds for good conduct.

94. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the Council Clerk or the Bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

95. The Council Clerk, in addition to the duties which, by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Borough under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may by order of the Council (as hereafter provided) be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor; and shall, when ordered by the Mayor or Finance Committee, make a half-yearly return of the revenue and expenditure.

Duties of Treasurer, &c.

96. Any officer of the Council, other than the Council Clerk, may have any records of the Council, other than those mentioned in section 84 of this "Part" of these By-laws, committed to his charge by an order of the Council, and he shall in each case be responsible to the Council for the safe keeping of such records.

Duties of other officers and servants.

97. The duties of all officers and servants of the Corporation shall be defined by such regulations as may, from time to time, and in accordance with law, be made, as follows, viz.:—As to the duties of the Council Clerk other than those under section 95 of this "Part" of these By-laws, and his assistants (if any)—by the Mayor or Council. As to the duties of the Council Clerk under section 86 of this "Part" of these By-laws, of all collectors of rates, bailiffs, bailiffs' assistants, and other officers and servants employed in and about the collection of revenue, whose superintendence is not hereinafter specially entrusted to any other Committee—by the Finance Committee. As to all surveyors, architects, clerks of works, overseers, inspectors of water supply, sewerage, or drainage, or other officers and servants employed in and about the public works of the Borough, and in the supply of water therefor, or the sewerage or drainage thereof, whose superintendence is not herein specially entrusted to any other Committee—by the Committee of Works. As to the attorney for the Corporation, Inspector of Nuisances, and other officers and servants employed in and about the carrying out and enforcement of the general provisions of the Municipalities Act of 1867, and of any other statute of which the operation has been extended to the Borough, and of the By-laws for the general good government of such Borough, whose superintendence is not herein specially entrusted to any other Committee—by the By-law Committee. As to managers, overseers, workmen, and other officers and servants employed in and about any public reserves and other public places under the care and management of the Council—by the Parks Committee. And as to librarians, managers of public institutions under the charge of the Council, and all other officers and servants employed in or about any matter over which the Council has control, and whose superintendence is not herein specially entrusted to any other Committee or to the Mayor—by the Committee for General Purposes: Provided that all such regulations shall be in writing, and shall be in all cases laid before the Council at the first meeting thereof, which shall be held after the making of any such regulations, and shall be in strict accordance with any such orders or directions as may have been at any time given by such Council touching the matters to which any such regulations may have reference.

Special powers of Mayor.

98. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is so on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statements or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *viva voce* or put into writing, as the Mayor may direct.

How complaints against officers be dealt with.

99. All complaints against officers or servants of Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the case before the Council, shall have power to investigate the same. And if any such complaint be made to the Council, or to any member or officer thereof, it shall be referred to, and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided that

every report explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaints, with all reports, explanations, and information as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be held after the Mayor shall have made such statement, and shall be duly recorded: Provided, further, that nothing herein contained shall be held to affect in any way the special power conferred upon the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is, or hereafter may be, conferred by statute upon such Mayor.

Miscellaneous.

Leave of absence.

100. No leave of absence shall be granted to the Mayor or to any Aldermen, otherwise than by a resolution of the Council adopted after due notice.

Motions for rescission of previous orders, &c.

101. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after the notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

102. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

103. Such suits or information for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Borough, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid, as follows, namely—When against a member of the Council or an auditor, or any officer of the Corporation—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted, and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceedings be taken against any officer of the Council, except on the order of such Council or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of calling for tenders.

104. Whenever it is decided that any work shall be executed, or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

105. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinbefore provided that such draft is so lying for inspection.

How notices are to be published.

106. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Borough.

Persons obstructing officers of the Council.

107. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language, towards the said officer, in any street, road, or other place within the said Borough, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

Mode of proceeding in cases not provided for.

108. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend, temporarily, certain portions of this Part of these By-laws.

109. Any such section or sections of this "Part" of these By-laws, or any portion or portions of such sections or section as are not hereinafter expected, may be suspended by resolution on notice at any meeting of the Council: Provided that there shall be a distinct statement in every such resolution, and in the notice of the motion whereon the same shall have been adopted, of the purpose for which such suspension is required, and that for every separate matter or business as to which such suspension is so required, there shall be a separate resolution as aforesaid: And provided that the following sections hereof shall never be suspended, nor shall any one of them nor any portion of any such sections, be suspended on any pretence whatever, namely:—Sections 6, 7, 8, 9, 10, 21, 22, 24, 25, 26, 27, 28, 29, 30, 33, 37, 38, 41, 42, 44, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 79, 80 to 89 inclusive, 91, 92, 93, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106 and 107.

PART II.

Collection and Enforcement of Rates.—Times and modes of Collection.

Rates under sec. 164 of the 81st Vic. No. 12 to be collected half-yearly.

1. All rates levied or imposed by the Council under the provisions of section 164 of the Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by annual or half-yearly instalments, as the Council shall from time to time direct and shall be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution, at the time of making or imposing such rates, or any of them, have appointed.

Office hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council by resolution from time to time for that purpose.

Defaulters.

4. Every person not paying his or her rates as aforesaid within thirty days after the day so appointed as aforesaid for payment thereof, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons so in default.

Mayor to enforce payment.

5. It shall be the duty of the Mayor to issue distress warrants against all such persons so in default as aforesaid, and to cause such to be enforced, or to cause such defaulters to be sued for the amount of such rates in a Court of competent jurisdiction.

Enforcement by Distress.

Bailliff.

6. A bailliff shall, when found necessary, be appointed by the Mayor.

Bailliff's sureties.

7. The bailliff shall find two sureties to the satisfaction of the Mayor, to the extent of £25 each, for the faithful performance of his duty.

Duty of Bailliff.

8. It shall be the duty of the bailliff to make all levies by distress for the recovery of rates, in the manner hereinafter provided.

Warrant of distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto under the hand of the Mayor or any Alderman who may, for the time being, be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the bailliff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Borough as the bailliff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

11. At the time of making a distress, the bailliff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the bailliff shall give a copy of the inventory to the ratepayer, on demand, at any time within one month after making such distress.

Goods may be impounded.

12. The bailliff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days, as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon shall, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The bailliff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the bailliff, for the use of the Council, for every levy and distress made under this By-law, the cost and charges in the hereunto annexed, marked C.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Municipal District of _____, do hereby authorize you _____, the bailliff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, for _____, being the amount of rates due to said Municipality to the _____ day of _____, for the said dwelling-house (or land or premises, as the case may be) and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 188 _____.

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under hand of the Mayor of the Municipal District of _____, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Municipality, for _____, being the amount of rates due to the said Borough, to the day of _____.

Dated this _____ day of _____, 188 _____.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20	2	0
Above that sum in addition for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day or part of a day	5	0
For sale, commission, and delivery of goods per £ on proceeds of the sale.....	1	0

PART III.

Preventing and Extinguishing Fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

2. Any person who shall wilfully set fire to any inflammable matter whatever in the open air within five yards of any dwelling house or other building, or boundary or dividing fence, within the said Municipality, without having given notice in writing to the occupiers of the lands or premises adjoining the lands or premises upon which such matter shall be, of his intention so to do, or shall wilfully set fire to such inflammable matter as aforesaid between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds nor less than one pound.

Fireworks.

3. Every person who shall light any bon-fire, tar-barrel, or firework, upon or within ten yards of any public or private street, or any public place, or shall discharge any firearms without lawful cause within one thousand yards of any dwelling within the boundaries, shall forfeit a sum not exceeding five pounds.

4. If any chimney catch or be on fire, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Magistrate before whom the case is heard that such fire was in no wise owing to the omission or carelessness, whether with respect to cleanse such chimney or otherwise, or himself or his servant.

Burning shavings, &c., in the streets.

5. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipality, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

PART IV.

Streets and public places—Public health and decency, &c.

New roads to be reported upon.

1. No new public or intended public road, street, lane, way, park, reserve, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, lane, way, park, reserve, or other place as aforesaid shall have been levelled by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works or some officer of the Council duly authorized in that behalf, or until the said road, street, lane, way, park, reserve, or other place as aforesaid shall have been duly examined by the Committee of Works or such duly authorized officer as aforesaid, and reported upon to the Council by such Committee or duly authorized officer as aforesaid.

Plan of proposed new roads, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, lane, or way, or lay out any park, reserve, other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, lane, way, park, reserve, or other place, he, she, or they shall furnish the Council with a plan or plans, signed by himself, herself, or themselves, showing clearly the position and extent of such road, street, lane, way, park, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council shall determine to take charge of any such road, street, lane, way, park, reserve, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council; and the proprietor or proprietors as aforesaid shall execute such further instrument dedicating such road, street, lane, way, park, reserve, or other place to public use or recreation as aforesaid as may be considered necessary by the Council; and such further instrument or dedication shall also be preserved as a record of the Council.

Roads and streets, and encroachments thereon, &c.

4. The Committee for Works, or the Surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, ways, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, ways, and thoroughfares recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, way, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such Committee for Works, or Surveyor, or other officer or person as aforesaid, to place, or cause to be erected, posts at the corners or intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the foot-way on each side, where the road, street, lane, way, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, way, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as herein-after provided: Provided further, that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

5. Whenever it may be deemed necessary to alter the level of any such public road, street, lane, way, or thoroughfare as aforesaid, the Committee for Works shall cause a plan and section, showing the proposed cuttings, to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk. And such plan and section so signed and countersigned shall be a record of the Council.

Footway or pathway, when flagged or asphalted, not to be interfered with without permission.

6. Whenever the footway or pathway in front of any house or the ground, along any road, street, private street, or lane within the Municipality has been flagged or asphalted by the Council, the same, and the asphalt or flagging thereon, shall not be removed, taken up, or otherwise interfered with by any person whomsoever without the permission of the Mayor or Committee for Works first being had and obtained. And every person removing, taking up, or otherwise interfering with such footway or pathway, or the flagging or asphalt thereon, without first obtaining the permission of the Mayor so to do, and every person wilfully or maliciously injuring or destroying such footway or pathway, or the asphalt or flagging thereon, shall on conviction forfeit and pay for every such offence any sum not exceeding ten pounds and not less than five shillings.

Erection of house.—Fee for permission, &c.

7. Every person intending to erect or put up any fence, house, shop, or other erection or building, in or upon the building line of any road, street, lane, passage, thoroughfare, place, or premises within the Municipality, shall, either by himself or by his contractor, serve, or cause to be served, seven days' notice in writing on the Mayor or Council Clerk or other duly authorized officer before commencing the same, stating his intention, and describing the proposed situation of the proposed fence, house, shop, or other erection or building, and shall at the time the said notice is given as aforesaid, pay unto the Council Clerk, or other duly authorized officer, a fee of five shillings for permission to erect any such fence, or any such house, shop, or other erection or building; and every owner of every such fence, house, shop, or other erection or building who shall, by himself or his contractor, commence to put up or erect any such fence, house, shop, or other erection or building, without having first given such notice as aforesaid, or without having paid such fee as aforesaid, shall be liable to forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Pipes, gutters, &c.

8. It shall not be lawful for any person to carry, by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house upon any of the foot-ways of any road, street, lane or public place within the Municipality. Any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required so to do by any officer of the said Council, shall on conviction forfeit and pay any sum not exceeding twenty shillings nor less than five shillings: Provided that the owner or occupier of any such premises or house may convey any such rain-water by means of pipes laid under the surface of any such footways into the gutter adjoining the same, and subject to approval of the Committee for Works or some officer of the Council duly authorized in that behalf.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any verandah, portico, or balcony to project beyond the building line of any street, road, lane or thoroughfare, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding two pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street, road, or thoroughfare less than 30 feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

10. The Surveyor or other officer or person duly authorized by the Council in that behalf may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, passage, thoroughfare, or public place under the charge of the Council. Notice shall in this case be served either personally, or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same or caused it to be erected.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same under the superintendence of its Overseer of Works or other proper officer duly appointed in that behalf, and at the cost of the person so offending (provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds), or at the Council's option, to proceed against the offender for the breach of this By-law, the penalty for the first offence not to exceed twenty-five pounds nor to be less than one pound; and in case of the second and every successive offence, the penalty on conviction not to be less than two pounds nor more than twenty-five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the Overseer of Works or other officer of the Council as aforesaid, or any person acting for or under him, or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Overseer of Works or other such officer as aforesaid, shall on conviction forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Hoards or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Municipality, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street, road, passage, thoroughfare, or public place, or any part thereof will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail, if there be room enough to leave as a foot-way for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the Overseer of Works or other officer of the Council of the Municipality duly appointed

in that behalf, during such times as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise; and every such person who shall fail to put up such fence, or hoard, or platform with such hand-rail as aforesaid, or to continue the same respectively standing in such good condition as aforesaid during the period of such building, or taking down, or who shall not, while the said hoard or fence is standing, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise, or who shall not remove the same when directed by the Overseer of Works or such other officer of the Council of the Municipality within a reasonable time afterwards as aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

15. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or foot way of any street, road, lane, or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage such carriage or foot way, shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

16. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave, or cause to be left, any hole adjoining or near to any street, road, lane, passage, thoroughfare, or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works or Foreman of Works of the said Municipality, or shall keep up, or cause to be kept up, and continued, any such enclosure, for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights on each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding ten pounds.

Open spaces and steps adjoining the foot-ways to be enclosed, under penalty.

17. Every owner or occupier of any land, house, building, or premises within the said Municipality, having any entrance, area, garden, or other open space, or any vacant building lot, water-hole, quarry, excavation, or opening in the ground adjoining or near to any foot-way of any street, road, lane, passage, thoroughfare, or public place in such Municipality, shall protect and guard the same by good and sufficient five-foot paling fence at the least, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land, having any steps adjoining the foot-way of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof, every such owner or occupier shall, as often as he shall be convicted for any such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner and occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over--Penalty.

18. Every person who shall have a well or underground tank, used for domestic or other purposes, situated between his or her dwelling-house, or the appurtenances thereof, and any road, street, or foot-way within the limits of the said Municipality, or at the side of or in any yard or place open or exposed to such road, street, or foot-way, shall cause such well to be securely and permanently covered over; and if every person having such well or underground tank as aforesaid fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by the Overseer of Works or other officer of the Council duly authorized in that behalf, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open and uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs, &c.

19. The Mayor, or any officer or person acting under the authority of the Mayor, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any other necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

20. Any person who shall haul, draw, or cause to be hauled or drawn, upon any part of any street, road, lane, thoroughfare, passage, or other public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or draw or trail upon any part of such street, road, lane, thoroughfare, passage, or public place, to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Driving carriages, &c., on foot-paths; and throwing filth, &c.

21. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or any matter or thing in or upon the carriage-way, foot-way, gutter, or water-table of any street, road, lane, thoroughfare, passage, or other public place in the said Municipality, or shall kill, slaughter, dress, or cut up any beast, swine, sheep, lamb, or other animal in or so near to any such street or public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage-way, foot-way, gutter, or water-table; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said foot-ways, of any such street, road, lane, passage, thoroughfare, or public place, any waggon, cart, dray, sledge, or other carriage, truck, or any bicycle or tricycle, or any hogshead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such foot-way, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for the third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Placing carriages, goods, &c., on foot-ways, &c.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

22. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board, (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel in or upon or over any carriage-way, foot-way, gutter, or water-table, in any street, road, lane, passage, thoroughfare, or public place within the said Municipality; or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage-way, foot-way, gutter, or water-table, any timber, stone, bricks, lime, or other material or things for building whatsoever (unless the sanction of the Overseer of Works or other officer of the Council duly authorized in that behalf has been first had and obtained, or unless the same shall be enclosed to the satisfaction of the Overseer of Works or such other officer as aforesaid) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such foot-way, carriage-way, gutter, or water-table, or over any area of any house or building premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto any such street, road, lane, passage, or thoroughfare, or public place and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other officer of the Council duly authorized in that behalf; or if any person who, having, in pursuance of any such requisition as aforesaid, removed, or caused to be removed, any such stall-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat,

offal, or other matter or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheel-barrow, hand-barrow, sledge, meat, offal, or other things, or matters, whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot-way of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence, a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence, a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such a manner as that such an awning shall be at least eight feet above the proper level of the foot-way, and that the posts be placed close to the kerbstone or outer edge of such foot-way, and that the said posts and any framework be erected to the satisfaction of the Council, and as may from time to time be directed by the Council.

Public Health.

23. No person shall keep, or permit, or suffer to remain on any premises within the said Municipality, any vehicle, article, or thing whatsoever, from which any unwholesome or offensive smell arises.

24. All drains, earth-closets, privies, and cesspits and ash-pits, on any premises in the said city constructed, shall be maintained and kept by the owner, occupant, or agent of such premises, so as not to be a nuisance or injurious to health, and so as that there shall be no overflow or soakage therefrom.

25. No person shall carry or convey, or caused to be carried or conveyed, through, upon, or over any street or public place in the said Municipality, except between the hours of ten o'clock at night and five o'clock in the morning, any unwholesome or offensive matter of any kind whatsoever, and nothing herein contained is to have the effect of repealing any By-law now in force for the mode and times of removal of night-soil.

26. The occupant of every factory and the owner of every steam engine in the said Municipal District shall construct the fire-place or furnace and chimney of such factory or steam engine in such manner as to consume, as far as practicable, the carbonaceous matters or gases, commonly called smoke, arising from the fuel used therein, or shall affix proper and suitable apparatus to such fire-place or furnace and chimney as aforesaid, so as to cause such chimney to consume such carbonaceous matters or gases as aforesaid.

Sale of blown meat, &c., forbidden.

27. No person shall sell or expose, or have for sale, or keep on his premises, any meat or any other article intended, but unfit for human food, or shall expose or have for sale any adulterated butter, meal, bread, or other article of food, or any adulterated milk, knowing either of them to be so adulterated; and any person offending against this By-law shall, for every such offence, be liable on conviction to pay a penalty not exceeding twenty pounds, and shall also be liable to a further penalty not exceeding five pounds for every day during which any forbidden article shall be kept on the premises of such person.

No person to keep meat unfit for food.

28. No person shall keep, or have in his possession, or retain in any building, shop, or other place, exposed for sale, any dead animal, carcass meat, poultry, or fish intended for, but unfit for human food, and every person offending against this By-law, shall, for every such offence, be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which any such forbidden thing shall be kept or retained by any such person.

Sale or letting of infected premises or goods.

29. If any person shall sell, let, or cause to be sold or let, any dwelling-house, or part thereof, or premises occupied in connection therewith, in the said Municipality, which then is, or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house, or premises, the person so selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let, in the said Municipality any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

30. Any person who shall expose, or cause to be exposed, in any road, street, public place, or unclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Regulation of traffic in streets.

31. No person driving or riding within the Municipality shall allow his horse or horses to go out of a walking pace whilst turning any of the street corners, nor whilst passing over crossings at the intersection of streets, nor whilst passing to and from any entrance to premises intersecting the foot-paths, nor propel any bicycle or tricycle or other wheeling vehicle over any crossing or intersection of streets within the said Municipality at a pace faster than a walk.

32. All persons conducting or taking horses along any street, thoroughfare, or public place within the Municipality, shall keep them secured by means of a halter or bridle, and shall lead them, and no person shall run or drive, or cause to be run or driven, any horse or horses loose through any such street, thoroughfare, or public place as aforesaid, nevertheless that horses being taken to the public pound and afterwards impounded therein, or mobs of horses being driven to or from market, shall not be within the meaning of this By-law.

33. No driver of any vehicle shall be or remain at any such a distance from his vehicle, anywhere within the said Municipality, so as not to have immediate and full control over the same, unless he shall have previously locked the wheels thereof. Every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Slop, night-soil, &c., to be conveyed away only at certain hours.

34. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with night-soil or ammoniacal liquor therein, through or in any street, road, lane, passage, thoroughfare, or public place within the said Municipality, between the hours of five o'clock in the morning and ten o'clock at night; or shall fill any cart, or other carriage, so as to turn over and cast any night-soil ammoniacal matter, slop, mire, or channel dirt or filth in or upon such street, road, lane, passage, thoroughfare, or public place; or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house, than shall be directed by the said Council or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter, otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any such road, passage, thoroughfare, public place, or dwelling-house, than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay a sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

35. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street, road, lane, passage, thoroughfare, or public place within the Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted); or if the driver of any carriage whatsoever shall wilfully be at such distance from such carriage, or in such a situation whilst it is passing upon such street, road, passage, thoroughfare, or public place, that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or any other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage, or person in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Lights to carriages, &c.

36. The driver of any carriage, buggy, waggon, wain, cart, dray, bicycle, tricycle, or other wheeled vehicle, when driving the same in or upon any street, road, lane, passage, thoroughfare, or public place within the Municipality, between the hours of sunset and sunrise, shall provide such carriage, buggy, waggon, wain, cart, dray, bicycle, tricycle, or other wheeled vehicle, with a lamp on each side of the same, outside, and shall keep such lamps lighted; and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than five shillings.

Riding or driving furiously.

37. Any person who shall ride or drive through or upon any street, road, lane, passage, thoroughfare, or public place within the said Municipality, so negligently, carelessly, or furiously as to create alarm, or so as that the safety of any other person or of any property shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Damage to kerbstones, gullies, &c.

38. No driver or carter or other person shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to any culvert, kerbstone, gutter, or pathway in any street or roadway in the Municipality aforesaid; and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than ten shillings over and above the damage done.

Loitering in the streets, &c.

39. Any person loitering or standing on the foot-way or carriage-way of any road, street, lane, or other public place within the said Municipality, so neglecting or refusing without reasonable cause or excuse to move on after having been requested so to do by any constable or other police officer, or any officer duly authorized by the Council of the said Municipality in that behalf, shall on conviction forfeit any sum not exceeding ten pounds nor less than five shillings.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

40. Any person or persons who shall be desirous of blasting any rock within one hundred yards of any street, road, lane, passage, thoroughfare, or public place, or dwelling-house in the Municipality, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same shall take place, and give such other directions as he may deem necessary for the public safety; and if any person or persons shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him or them by the said Council Clerk, he, she, or they shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

*Public Property.**Injuring or extinguishing lamps.*

41. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expence of repairing the injury committed, be liable to forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

42. Any person who shall damage any public building, gate, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the Municipality, shall pay the costs of repairing the same; and if such damage be wilfully done, shall be liable to forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

43. If any person or persons shall paste, or cause to be pasted, or otherwise affix any placards or other paper or chalk or paint upon any wall, house, fence, culvert, kerbstone, pathway, hand-rail, or other property of the Council, or in any other manner deface the same without authority of the Council, he or they shall be liable to forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

44. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root-up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street, road, lane, passage, thoroughfare, reserve, park, or public place under the management of the Council, shall be liable to forfeit any sum not exceeding ten pounds nor less than one pound.

Extirpation of noxious weeds.

45. Any owner or occupier of any premises or land within the Municipality who shall permit to grow on the premises or land, or place upon the public streets or roads, weeds known as Bathurst burr, Scotch thistle, prickly-pear, sweet-briar, or any noxious weed, and who shall fail to extirpate or destroy the same within thirty days after the receipt of a notice in writing, by post or otherwise, from the Council, or proper officer of the Council, so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Obstructing public pathways

46. If the owner or occupier of any land situated on the side of any street, road, lane, thoroughfare, or other public place within the Municipality, shall permit any shrub or plant, kept for ornament or otherwise, to overhang any foot-path, foot-way or carriage way on the side of any such street, road, lane, passage, thoroughfare, or other public place, so as to obstruct the passage thereof, and shall not, on demand made by the Council or their Inspector, Overseer, or other officer duly authorised on that behalf, cut, or cause to be cut, or lop, or cause to be lopped, all such trees, shrubs, or plants, to height of eight feet at the least, the Council and their servants, labourers, and workmen, may cut, lop, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and may remove or burn, or cause to be removed or burnt, any portion of such trees so cut and lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in their due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every such person so offending shall on conviction for every such offence be liable to forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c

47. Any person who shall injure any public fountain, pump, cock, water pipe, or any other thing connected with the preservation or supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding twenty pounds nor less than one pound.

Dead animals, &c, not to be thrown into any public water courses, &c.

48. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public water-course, sewer, water-hole, river, creek, road, or pathway; or who shall suffer any slops, suds, or filth of any kind to flow from his or her premises into any such water-course, water-hole, river, creek, or sewer; or shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the foot-ways, water-tables, or streets of the Municipality; or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, any such suds or filth of any kind whatsoever to flow into any public water-course, water-hole, river, creek, or sewer; or shall obstruct or divert from its channel any sewer or water course, creek or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds, and shall pay cost of restoring such obstructed or diverted water-course, creek, or canal.

Dead animals—mode of removal.

49. If any animal shall die in any part of the Municipality, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Power of Inspector as to dead animals on private premises.

50. The Inspector of Nuisances, or any other officer appointed by the Council of the Municipality, may at any hour in the daytime enter upon any premises or place within the said Municipality where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and, if necessary, to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for that purpose; and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition, shall forfeit and pay any sum not exceeding thirty pounds nor less than three pounds,

Dead animals, in certain cases, to be removed at cost of owner

51. If any animal shall die in any public street or place within the Municipality, it shall be immediately removed by the Inspector of Nuisances or other officer appointed by the said Council, and destroyed in the manner aforesaid, at the cost of the owner.

Hog sties to be forty yards from streets, and animals suffered to stray, &c.

52. Any person who shall keep, breed, or feed any kind of swine in any house, building, yard, garden, or other place, situated and being within forty yards of any street, road, lane, thoroughfare, park, reserve, or public place in the Municipality or nearest dwelling-house, or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature, or any poultry belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, lane, park, reserve, thoroughfare, or public place, shall on conviction forfeit and pay any sum not exceeding forty shillings nor

less than five shillings for each and every animal so kept, bred, fed, suffered to stray or go about, or to be tethered or depastured in any such street or public place as aforesaid; and the owner or occupier of any house or premises, or other place within the said Municipality, wherein any such swine, horse, ass, mule, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatsoever, shall, within the meaning of these By-laws, be deemed the owner of such animal so kept, bred, fed, suffered to stray, or to be tethered, or depastured in any such street or public place as aforesaid; and the words "any house," "building," "yard," "garden," or "other place," wherein any kind of swine shall be bred or kept as aforesaid, shall respectfully be deemed hog-sties within the meaning of these By-laws; and the word "horses" shall be sufficient designation for any entires, geldings, mares, or foals, and the word "cattle" for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

Stables, cow sheds, and pig sties

53. The occupier of any land or premises within this Municipality on which there shall be erected any stable, cow yard, fowl house, cattle-shed, or pig-sty, shall cause such premises to be kept in such a state in respect to cleanliness as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure, produced, or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and there to be in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure, to be from time to time removed from such premises, as often as the quantity so collected shall amount to one cubic yard. And if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom, so aforesaid, the same shall be removed by the Inspector of Nuisances at the expense of such occupier. For an offence against this By-law any person shall be liable to a penalty of not less than one pound nor more than five pounds.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

54. If upon the certificate of any two duly qualified medical practitioners it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to penalty not exceeding ten shillings for every day during which he continues to make default. Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

As to private avenues, or dirty or unwholesome premises.

55. Any owner or occupier of any house, building, yard, garden, premises, or other place within the Municipality, who shall neglect to keep clean any private avenues, passages, yards, thoroughfares and ways within the said premises so occupied or belonging to him, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than ten shillings for every such offence.

Cleansing butchers' shambles, slaughter houses, &c.

56. For preserving the cleanliness of the Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he, they, or any of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments, manufactory, factory, or establishments in the Municipality and give such directions concerning the cleansing the said shambles, slaughter houses, tanneries, and establishments, both within and without, as to him, them, or any of them shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter house, tannery, or establishment who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds and not less than ten shillings.

Complaints respecting dirty premises, &c

57. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of, and

the Inspector of Nuisances or other officer appointed by the Council as aforesaid shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain and be in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cess-pool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

58. Every person who, in any street, road, lane, thoroughfare, park, reserve, or other public place of passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers in or through the Municipality, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than five pounds:—

- (1.) Every person who shall hoist, or cause to be hoisted, or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street, road, lane, passage, thoroughfare or public place, and close to the foot way thereof without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street, road, lane, passage, thoroughfare, or public place, the carcass or any part of the carcass of any newly-slaughtered animal, without a sufficient clean and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale, without covering the same as aforesaid.

Throwing filth, &c., on foot-ways, &c.—Killing animals.

- (3.) Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or filth, or annoyance, or any matter or thing, into any public water-course, sewer, or canal, or in or upon the carriage-way, foot-way or water-table of any street, lane, or other public place in the said Municipality, or shall kill any beast, swine, calf, sheep, lamb, or other animal for the purpose of sale, upon any premises, shall on conviction forfeit and pay a fine not less than forty shillings nor more than five pounds, and shall in addition to any such forfeiture, pay the cost of removing such filth or obstruction.
- (4.) Every person who shall place any line, cord, or pole across any street, road, lane, passage, thoroughfare, or public place within the Municipality, or hang or place clothes thereon, or allow any tree or shrub to overhang the foot path, to the danger or annoyance of any person.
- (5.) Every person who shall haul, place, or cause to be hauled or placed, any boat, gear, or spars, upon any of the reserves within the Municipality aforesaid and refusing to remove the same when lawfully requested so to do.
- (6.) Every person who shall place any flower-pot in an upper window near to any street, road, lane, passage, thoroughfare, or public place within the Municipality without sufficiently guarding the same from being thrown down.
- (7.) Every person who shall place, hang up, or affix any sign-post, board, house-ticket, notice or other similar thing, otherwise than close and parallel to or flat upon the wall of the house, shop, or building to which the same belong.
- (8.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard of enclosure when any house or building are being erected, pulled down, or repaired).
- (9.) No person shall deposit, or cause or suffer to be deposited, in or by the side of or on any road, street, right-of-way, lane, passage, water-channel, or gutter, or in any creek, or in any other public place within the Municipality, any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil; and no person shall deposit, or cause or suffer to be deposited, any night-soil or other offensive matter on any land, field, or garden within the Municipality.
- (10.) Every person who shall carry goods on any frame to the annoyance of any person upon the footway of any street, road, lane, or other public footway.
- (11.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb or any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

Passengers, &c., not to be interrupted by dusting.

- (12.) Between the hours of eight o'clock in the morning and seven o'clock in the evening of any day, no person shall cause interruption, annoyance, or inconvenience to passengers along the streets or footpaths of the said Municipality, by raising, or discharging, dust upon or across any such street or footpath, whether from buildings in process of erection or demolition, or otherwise however.

Bathing prohibited within certain limits.

59. Any person who shall, except in proper costume, bathe near or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the Municipality, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of the person.

60. Any individual who shall offend against decency by exposure of his or her person in any street, road, lane, passage, or thoroughfare, or public place within the Municipality, or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than one pound.

PART V.

Noisome and Offensive Trades.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

1. Upon the complaint in writing, by any householder, that any noisome or offence trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of his or her family, or to otherwise annoy, injure, or be a nuisance to such householder and to his or her family, the inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complaint, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation, so complained of, and so being conducted, followed, or carried on as aforesaid, is a noisome or offensive trade within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for the third and every subsequent offence a sum not less than ten pounds nor more than fifty pounds.

Mode of proceeding when noisome and offensive trade is about to be commenced.—Penalty.

2. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacturer, trade, calling, or operation is about to be commenced or entered upon which is likely to prove noisome and offensive within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measure as shall effectually and permanently prevent the same from becoming noisome or offensive within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way noisome and offensive within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

Service of notice—Liabilities.

3. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or

owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14th Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the Municipality, nor shall any bowling-alley, dancing saloon, or other place of public amusement, other than a place licensed as aforesaid, or place for temporary amusement hereinafter specially provided for, be used as such, for hire or profit within the Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor —Penalty for exhibiting, &c., without license

2. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the Municipality to be used for purposes of public amusement other than entertainments requiring to be licensed as aforesaid for not more than one week: Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality. Every person holding or keeping such exhibition, or using any place within the Municipality for public amusement as aforesaid, or causing or permitting such place to be used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid in or upon such building or ground, and the name of such occupier. And every person who causes, and every occupier of any such building or land who permits any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week, in or on any such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence any sum not less than one pound nor more than twenty pounds.

Certificates of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid stating the particulars aforesaid, and if, upon inspection by the proper officer, the building or land shall have been found to be secure and proper for the purpose stated, and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or be a nuisance to any inhabitants of the said Municipality, the said Council shall cause the aforesaid premises to be registered in a registry book to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises. And the said Council may at any time, and for any of the causes hereafter mentioned, suspend for a stated period the effect of or cause of any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land; and during such suspension, or after such cancellation, such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council duly authorized in that behalf may at all reasonable times enter into or upon and inspect any such registered building or land.

No exhibition, &c., on Sundays, &c.

6. No such exhibition or place of public amusement as aforesaid shall be held, except by permission of the Council, or kept open or used for the purposes of such public amusements on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Registration fee —Time for which registration shall be in force

7. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Municipality, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing, and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein and no other.

8. The certificate of registration aforesaid shall be regarded as a license from the Council for the holding or keeping of the exhibition, or for carrying on the public amusements therein mentioned, but for none other. Any occupier of such building or land who shall hold or keep therein or thereon any exhibition, or shall use such building or land for any public amusements other than such exhibition or amusements mentioned in such certificate or license, shall for every such offence forfeit and pay any sum not less than ten shillings nor more than ten pounds.

Unlawful games and exhibitions

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any game with dice or other games of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality or involving cruelty to animals, or likely to cause any breach of the peace, are proposed to be had or carried on; and the occupier of any building or land so registered as aforesaid who shall permit any such game of chance or exhibition or amusement as aforesaid in the section before mentioned, to be had, held, or carried on in or upon such building, shall for every such offence forfeit and pay a sum of not less than ten shillings nor more than ten pounds.

Suspension or revocation of license —Notice to be given, and licensee to be allowed to show cause

10. The effect of any such registration as aforesaid may be suspended, or such registration may be cancelled, as the Council shall think fit, for any of the following causes, namely: Whenever the occupier of the registered building or land, or the manager of any such exhibition or amusement as aforesaid, held, kept, conducted, or carried on, in or upon such building or ground, shall have been twice convicted of offences against these By-laws within a period of twelve months; or whenever it shall be shown to the satisfaction of the said Council that the superintendent, director, or manager, or other person in charge of any such exhibition or amusement, is a confirmed drunkard, or that such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace, or become a nuisance to any inhabitants of the Municipality: Provided that before any such suspension or cancellation as aforesaid, the occupier of such registered building or land shall have notice of the fact, the said Council is about to consider whether there shall be any such suspension or cancellation, and of the causes of this proceeding, and shall be allowed to show cause against such suspension or cancellation before the same shall be ordered.

Construction of term "occupier" —Change in occupancy.—False statement.

11. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition or public amusement as aforesaid, in or upon any such building or land as aforesaid; or who shall reside in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on; or who, being the owner, lessee, or tenant of any such building or land, shall permit the same to be used for the purposes of any such exhibition or public amusement, shall be deemed the occupier of such building or land for all the purposes of these By-laws. And the said By-laws shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every other occupier whose name shall have been so registered as aforesaid shall be deemed and taken to be, and continue to be, such occupier for all these purposes of these By-laws: Provided that in the event of any change in the occupancy of any such building or ground as aforesaid, it shall be competent for the parties concerned to notify the same, by writing under their hands, to the said Council Clerk, who shall lay such notification before the Council at its next meeting; and if, after such inquiry as such Council may deem necessary, there shall seem to be no valid objection to such change of occupancy, a corresponding entry shall be made in the registry aforesaid, and a new certificate shall be issued, which shall be

in force until the then next ensuing, 31st day of December, and no longer. And for every such new certificate a fee of five shillings shall be paid to the said Council Clerk for the benefit of the said Municipality. And any person who shall make any false statement in any such application or notice as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall for every such offence forfeit and pay any sum not less than one pound nor more than twenty pounds.

PART VII.

Water Supply.

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever; or shall cause or permit, or suffer to be run or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water; or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid; or shall do anything whatsoever whereby any water or waterwork belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence be liable to forfeit and pay any sum not exceeding five pounds; for a second offence any sum not less than five pounds nor more than ten pounds; and for the third and every subsequent offence any sum not less than ten pounds nor more than twenty pounds.

Wilful waste of water.

2. Whosoever being supplied with water by the Council from any waterworks, fountain, reservoir, or standpipe or of belonging to, or under the control or management of the said Council, or having access to any such waterworks, fountain, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump, or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds; for a second offence any sum not less than one pound nor more than twenty pounds; and for a third and every subsequent offence any sum not less than five pounds nor more than forty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural water-course, shall forfeit and pay any sum not less than one pound nor more than twenty pounds; and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if, after such second conviction, such persons shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if, within a reasonable time after a third or any further conviction, he shall still fail to remove such dam or embankment he shall for every such offence forfeit and pay a sum of fifty pounds.

Diverting water from reservoirs of Council in certain cases.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water having fallen on any gathering ground, whosoever shall, by any means whatsoever, divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks or some water-course leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than twenty pounds; for a second offence any sum not less than two pounds nor more than forty pounds; and for a third and every subsequent offence any sum not less than five pounds nor more than fifty pounds.

PART VIII.

Sewerage and drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Disposal of sewage, &c.

3. The Council shall have power from time to time to enforce the adoption or alteration of any system, which to them may appear necessary, for the better regulation, disposal, or treatment of night-soil, sewerage or other drainage, and may suspend the use or further extension of any system which to them may seem detrimental to public health. Any person refusing to comply with any requisition made under this By-law after receiving notice from the Council or an officer under them, shall forfeit a sum not exceeding five pounds.

Public Parks, &c.

Appointment of ranger.

4. The Council may appoint a ranger, bailiff, or overseer over the reserves and other public places within the said Municipality, with powers and authorities necessary to enable him to perform his duties as they may from time to time think fit.

Ranger to protect reserves and remove disorderly persons.

5. The said ranger, bailiff, or overseer, or any officer of the Council shall protect the said reserves, and for that purpose shall remove or be at liberty to call in the aid of the police for the removal, by force if necessary, of any person or persons who shall be found committing a breach of these By-laws, or who shall by disorderly or insulting conduct cause annoyance or inconvenience to any person on the said reserves, or any of them, or going to or coming from the same; and such person so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for removing firewood and setting fire to timber, &c.

6. Any person who shall remove any firewood or timber from any of the said reserves, or who shall wilfully destroy or damage any of the said trees or shrubs growing thereon, or who shall wilfully set fire to any grass, tree, or shrub, or timber growing thereon, or shall injure any fence, gate, seat, or turnstile therein, shall on conviction before any two or more Justices of the Peace forfeit and pay a penalty not exceeding ten pounds.

Penalty for injuring dams, &c.—Injuring water.

7. Any person who shall injure or destroy any dam, well, fountain, or reservoir in any of the said reserves; or who shall wash any clothes, or the person, or any animal, or in any way pollute the water in any such stream, dam, well, fountain, or reservoir; or who shall bathe in any of the said waters (except such as may be set apart for bathing purposes), and during the hours appointed for such purposes, shall, on conviction before any two or more Justices of the Peace forfeit and pay a penalty of not exceeding ten pounds.

Penalty for offending against decency.

8. Any person who shall offend against decency by the exposure of his or her person in any of the said reserves, or in view thereof, shall forfeit and pay a penalty of not exceeding ten pounds.

Penalty for erecting tents &c, without permission.

9. No tents, booths, or stalls shall be erected on any of the said reserves, without the consent of the Council first had and obtained, under a penalty of not exceeding ten pounds.

Penalty for horse-racing, &c.

10. No horse-racing or horse-breaking shall be allowed on any of the said reserves under a penalty not exceeding ten pounds.

Penalty for depositing rubbish and removing material.

11. Any person who shall deposit any rubbish on any of the said reserves, or who shall remove any rock, stone, earth, or other material therefrom, without the leave of the Council first had and obtained, shall upon conviction forfeit and pay a penalty of not exceeding ten pounds.

Power to grant right of pasturage, &c.

12. The Council may annually let from year to year, or for any less term, by public auction or by public tender, the exclusive right to depasture stock on, or to cut or remove grass from, all or any of the said reserves, and may delegate to any lessee power to impound any swine, goats, horses, sheep, or cattle straying thereon.

Power to grant right to cut timber, &c.

13. The Council may also annually let from year to year, or for any less period, by public auction or by public tender, the exclusive right to remove any trees, firewood, or timber not required for ornamental purposes from any of the said reserves; and they may make such regulations as may be necessary from time to time for the protection of trees and shrubs required for ornamental purposes.

Power to distrain and impound trespassing stock.

14. The Ranger or any other officer of the Council duly authorized in that behalf shall have power to distrain and impound any cattle or other stock found trespassing upon the said reserves or other public places, or any of them, and also to claim and demand and recover such damage (not exceeding ten pounds) in respect of such cattle or other stock so distrained or impounded as could or might be claimed by the owner of private land in respect of animals found trespassing and doing damage upon the same.

Penalty for crossing fences except by proper openings.

15. If any person shall cross or pass, or attempt to cross or pass, any fence on or enclosing any of the reserves or other public places within the Municipality, otherwise than by the gates or other openings left for passage, he shall on conviction forfeit and pay a penalty for each offence of not exceeding five pounds nor less than five shillings.

Wilful trespass.

16. Every person who shall wilfully let in or knowingly suffer to enter upon the said reserves, or any of them, any animals, without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding ten pounds nor less than one pound.

Penalty for persons causing annoyance in use of reserves.

17. Any person who shall unlawfully cause any annoyance or inconvenience to any other persons in the free use and enjoyment of the said reserves, or any of them, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

18. No person shall climb any of the trees, or shall climb any of the seats, or jump over or in any way get over or under any fence or rail erected in any of the said parks or reserves, or shall stand or lie on any of the seats therein.

19. No person shall cut any name, word, or mark on any of the seats, or buildings, or trees, or shall write thereon, or otherwise deface the same, or shall stick any bill on any such seat, or building, or any tree, fence, wall, pillar, or rail in any of the said parks or reserves.

20. No person going in the direction of any path therein shall walk on the grass bordering such path.

21. No person shall engage in any race or game, or train for any race or game, without the written permission of the Mayor or Council, or throw any stone or other missile, or light a fire in any of the said parks or reserves, or deposit thereon any rubbish or night-soil, or other offensive matter or thing, or any dead animal, broken glass, bottles, cast-off clothing, or litter of any kind, nor shall, without such written permission, discharge any firearms therein. Every person so offending may be forthwith removed from the said parks or reserves, and shall be liable to a fine not exceeding ten pounds.

22. No public meeting of any kind, or assemblage of persons together to the number of 12 or more for any purpose shall be allowed in any of the said parks or reserves without the written permission of the Mayor or Council first had and obtained, and every person in any such meeting or assemblage who being desired by any officer of the Council, or police officer, to depart from any of the said parks or reserves, shall refuse, or wilfully neglect to do so, may be forthwith removed from the said parks or reserves, and shall be liable to a fine not exceeding five pounds.

23. Every person in the said parks or reserves in a state of intoxication, or behaving in a disorderly manner, or creating or taking part in any disturbance, or being a reputed thief, or wilfully injuring any building, fence, tree, shrub, flower, rail, wall, pillar, fountain, or seat, or other property therein, or removing any tree, shrub, flower, rail, lamp, or seat therefrom, or obstructing any officer or workman of the Council, or interfering, not being a player, with any game or sports therein, or swearing or making use of any profane or obscene language, or using insulting words or gestures towards any person, or otherwise misbehaving himself or herself, shall be forthwith removed from the said parks and reserves, and shall be liable to fine not exceeding five pounds.

24. No performance or entertainment of any kind shall be permitted in any of the said parks or reserves without a written permission from the Council or Mayor.

25. No person shall depasture any horse, cattle, sheep, or stock of any kind in any of the parks or reserves without a written permission from the Council or Mayor. The owner of any goats or poultry found trespassing in the public parks or reserves, without written permission of the Council or Mayor, shall be liable to a fine not exceeding one pound nor less than one shilling each head so trespassing.

26. The Council may, with the consent of the Minister for Lands, or any other of Her Majesty's Ministers who may have charge of public parks for the time being, set apart any portion or portions of the said park or reserves not exceeding one-fourth, for the purpose of cricket, football, or any other lawful game or sports, and from time to time grant to any club, or association of clubs, upon such terms and conditions as the Council or a majority thereof may think fit, the use of the grounds so set apart, and authorize the erection, alteration, and removal by such club or association of clubs, of any building or pavilions thereon; but the Council, or a majority thereof, shall have power at any time to revoke such grant or authority, and to order the removal of such buildings or pavilions, and nothing in such grant or authority shall limit or affect the right of entry or control over the said grounds by the Council, or their servants or agents.

27. Any person who shall be found committing any breach of any By-law affecting the said reserves, or any of them, in respect of which a penalty is not expressly provided for in this "Part" of these By-laws, shall forfeit and pay any sum not exceeding five pounds nor less than one pound.

PART IX.

By-laws for the Municipality of Nowra, for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. No cesspit, closet, or pit to contain faecal matter, shall be allowed to be made. Every person about to erect an earth-closet shall, before he commences any such work, give to the Council Clerk seven days' notice, in writing, of his intention, and of the proposed position of such earth-closet; or in default thereof, or in the case of his commencing such work without such notice, he shall be liable to a penalty of not less than one pound nor more than five pounds.

2. No earth-closet shall be erected except in such position as shall be approved by the Inspector of Nuisances or other officer appointed by the Council, or shall be approved by the Council; and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

3. Every earth-closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened from the inside, and shall be ventilated; and every person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

4. Every earth-closet already built, or hereinafter to be built, shall be provided with a galvanized-iron pail, capable of containing not less than six gallons, and having handles attached to two sides thereof, and also with a box or compartment containing dry earth or ashes, and provided with a pint scoop, to enable any person using the closet to throw a pint of dry earth or ashes through the seat into the galvanized-iron pail.

5. The owner of every house let to a tenant for a shorter term than one year, or his agent employed to let the house, shall be liable to a penalty of not less than one pound nor more than five pounds for neglecting or refusing to supply the articles mentioned in section 4 of this "Part" of these By-laws.

6. When two or more closets adjoin each other there shall be a sufficient dividing brick or stone wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the closet through the roof of the closet, so as to effect a complete separation; and every person having or building closets adjoining each other contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

7. A separate closet shall be provided for every tenement; and a breach of this By-law shall make persons using a joint closet liable to a penalty of not less than one pound nor more than five pounds.

Number of closets for factories or where numbers of persons are employed.

8. In factories or other places where a number of persons shall ordinarily reside, or be occupied or employed therein, one earth-closet shall be provided for every ten persons or under, and separate closets at the same rates shall be provided for either sex; and every owner, occupier, or tenant of any such factory or other place, and every other person who shall offend against this By-law, or fail to provide the required number of earth-closets as stated in this By-law, shall forfeit and pay a penalty of not less than two pounds nor more than ten pounds.

9. Every closet shall be built in such a position that the same may be emptied without the contents being carried through any dwelling-house; and every person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

10. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances or any officer appointed by the Council in that behalf, for preserving the public health or decency in the case of any existing closet, and the Council shall adjudge such closet to be either injurious to health, or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances or other officer, and the cost of such alterations shall be paid by the owner or occupier of the premises whereon the same shall be.

11. All night-soil shall be removed by the contractor to the Council in carts to be constructed in an approved and water-tight manner to the satisfaction of the Council, and between the hours of 10 p.m. and 5 a.m. The contractor shall convey the same without delay to an appointed depot, and shall dispose of the same by burying in the earth to a depth of two feet from the top of the night-soil, and covering with earth, so as to prevent any nuisance. And any contractor neglecting to comply with this By-law shall forfeit and pay a sum not exceeding twenty pounds and not less than ten pounds for every such offence.

12. The place of deposit shall be in such locality as may be from time to time determined upon by the Council with approval of Governor.

13. Until otherwise provided by the Council, all night-soil from existing closets shall be removed from cesspits by contract, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

14. Until, and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

15. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and, on being removed from the vehicles in which it is carried, shall be deodorized by chemicals, or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom. Any person guilty of a breach of this By-law shall be punishable by a penalty of not less than one pound nor more than twenty pounds.

16. When any new building is about to be erected, the builder thereof shall first erect and fence off with a close paling fence, five feet high, on the premises a temporary closet, not less than three feet by two feet six inches, for the use of the workmen employed on such building; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds and not less than two pounds.

17. All earth-closets shall be emptied once in seven days, or oftener, and the contents buried in the earth; and every person infringing this By-law shall be liable to a penalty of not less than one pound nor more than two pounds.

18. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil brought from elsewhere; and in the event of his so doing, he shall be liable to a penalty of not less than two pounds nor more than ten pounds.

19. The Council may recover such sums for the emptying of any closet as may be decided upon from time to time by resolution of the Council.

20. On and after the first day of January, in the year of our Lord one thousand eight hundred and ninety, no persons shall be permitted to have in their premises an open closet or cesspit for the deposit of faecal matter, and any person or persons allowing any such closet or cesspit to remain after receiving seven days' notice to remove the same, shall forfeit a sum not exceeding five pounds nor less than one pound; and after such conviction, if not removed within a further period of seven days, shall forfeit a further sum not less than five shillings nor more than two pounds for every day that the same shall remain unaltered or unremoved.

21. The Inspector of Nuisances, or other officer appointed by the Council, may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act 1875," therein, on all days except Sundays and public holidays, between the hours of 10 o'clock in the morning and 4 o'clock in the evening.

Subdivision and change of property.

Change of occupier—Sub-division of property.

22. If the owner, tenant, or occupier of any property within the Municipality for which he or she is assessed shall give up the possession of such property, he or she shall, within seven days from the date of giving up the possession thereof, deliver to the Council Clerk a notice in writing, showing and setting forth the name and address in full of the person to whom possession of such property has been given. And if any property shall be subdivided in the interval between one assessment and another, and let to two or more persons, the tenant or owner who previously occupied the whole of such property, or who is still in possession of a portion thereof, shall, within seven days from the time of such subdivision being made, deliver to the Council Clerk a notice in writing, showing and setting forth the area, the rent, and the names in full of the occupier or occupiers of such subdivision; and any such owner, tenant, or occupier failing or neglecting to give such notice as is herein required, shall on conviction forfeit and pay any sum not exceeding five pounds nor less than five shillings for every such offence, with costs.

BY-LAWS for the Impounding of Cattle on the public thoroughfares of the Municipality.

1. The Mayor shall be empowered to issue instructions in all cases to any officer or servant of the Council, to impound all horse and cattle stock, ass, mule, swine, sheep, goat, or other animal found straying, tethered, or depasturing on the public roads, streets, reserves, cemetery, or other public places within the boundaries of the Municipality, or within certain defined boundaries therein, as may be agreed to by the Council for such impounding to take place, and to drive, lead, or convey, said animals so trespassing to the nearest Pound, and set the amount in the Schedule hereunder as a trespass and driving fee thereon: Provided always that the terms of the Impounding Act relating to the publicity, keep, sustenance, release, and sale of the said animals so impounded be complied with.

FIRST SCHEDULE.

Rates of damage to be charged for trespass.

Description of animals trespassing.	In any paddock of grass enclosed by a sufficient fence.	In any garden, uncut meadow, or growing crop of any kind, enclosed by a sufficient fence.
For every horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, heifer, steer, calf.....	s. d. 1 0	s. d. 4 0
For every ram, ewe, sheep, or lamb	0 1	0 4
„ goat or pig.....	2 0	6 0

SECOND SCHEDULE.

Rates of mileage for driving or taking animals to Pound.

Description of animals trespassing.	Per mile.
Every horse, mare, gelding, bull, cow, ox, heifer, steer, calf.	For the first, 3d., and for every other, trespassing and impounded at the same time, ½d.
Every 100 rams, ewes, sheep, or lambs, or under that number.	6d. for the first, and 1d. for every 100 or portion of a 100 above that number.
Every goat	½d.
Every pig.....	1s.

BY-LAWS for regulating the Driving of Cattle within the Municipality of Nowra.

1. No cattle, except quiet cattle, will be allowed to be driven on, through, or along any street or highway within the town of Nowra and suburbs, and the roads leading from Nowra to the Nowra Bridge and to the Municipality of Central Shoalhaven, unless one horseman is sent in advance, not less than 100 and not over 200 yards, to warn travellers of their approach, to save accidents.

2. Any person committing a breach of the said By-law shall be liable to a penalty not exceeding ten pounds and not less than ten shillings for every such offence.

WILFUL TRESPASS.

EVERY person who shall wilfully let in or knowingly suffer to enter upon the Public Common or Recreation Ground under the control of the Council any animals without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding ten pounds nor less than two pounds.

TO REGULATE THE NOWRA COMMON AND RECREATION.

All persons found guilty of the undermentioned offences to be liable to a penalty for each offence not exceeding ten pounds and not less than five shillings, together with the amount of damage incurred:—

- Removing timber, stone, gravel, or any other material.
- Trespassing on said Common with firearms; and felling, or attempting to fell, any trees thereon.
- Wilfully breaking and opening, or attempting to open, and injure or injuring the boundary fence of the said Common, or any of the gates attached thereto.
- Driving or placing bulls and stallions on said Common for agistment, without reporting same to person in charge.

All charges for agistment of stock on said Common be fixed from time to time by resolution of Council, and that a monthly return of same be made by the person in charge to the Council, under a penalty not exceeding five pounds and not less than ten shillings, such monthly returns, on being exhibited to the first ensuing meeting of Council, to be signed by the Mayor and copied by the Council Clerk, as a public record of the receipts from the said Common, for the information of all interested.

BY-LAWS FOR REGULATING THE NOWRA FREE LIBRARY.

1. The books purchased with the Government grant in aid of the Nowra Free Library, together with all other books presented by the public, and such other books which the Nowra Council may hereafter procure for that institution, either by purchase or otherwise, shall constitute a library, to be called the "Nowra Free Library."

2. The Council shall appoint a Librarian, who shall make out and keep a catalogue of all books in the Library.

3. It shall be the duty of the Librarian to be in attendance at the Library between the hours of 10 a.m. and 4 p.m. every day on which municipal business may be legally transacted.

4. The Librarian shall keep a book in which he shall enter the name and number of every book issued, the name of the person taking the book, and the date on which it was issued.

5. No more than one book shall be issued to any person at one time, nor shall any person be allowed to take a book from the Library.

6. Any book or books lost or damaged by any person shall be replaced at his or her expense within one month, and in default, the person or persons so offending may be sued for the value of such book or books by the officer in charge of the Library.

7. Any person in a state of intoxication applying for a book shall not be entitled to receive one.

8. Any person behaving in a disorderly manner while in the Library or on the premises, or damaging any property in such Library, shall for every such offence be liable to a fine of not less than five shillings, and shall replace the damaged property.

9. Fines.—(See sec. 183 of Municipalities Act)—such fines so recovered, shall be paid over to the Treasurer of the Municipal Council, together with costs, within seven days, and may be applied to defray the working expenses of the Library; and in default of such payment being made, the amount may be recovered by levy and distress on the goods and chattels of the person so defaulting.

Made and passed by the Municipal Council of Nowra,
this 25th day of April, 1889.

(L.S.) E. SECCOMBE,
Mayor.

THOMAS EDWARDS,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF MANLY.—AMENDED BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 3rd January, 1890.

MUNICIPAL DISTRICT OF MANLY.—AMENDED BY-LAWS.

THE following Amended By-Laws, made by the Council of the Municipal District of Manly, under the "Municipalities Act of 1867," the "Nuisances Prevention Act, 1875," and the "Public Parks Act of 1884," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

PART I.

PROCEEDINGS OF THE COUNCIL AND COMMITTEES.—PRESERVA-
TION OF ORDER AT COUNCIL MEETINGS—DUTIES OF
OFFICERS AND SERVANTS, &C.

By-laws repealed.

1. All existing By-laws of the Council of the Municipal District of Manly, published in the Government Gazette from time to time prior to the adoption of the following, shall be and are hereby repealed.

Meetings of the Council.

Ordinary meetings.

2. The Council shall meet for the despatch of business at such times and days as may be by resolution appointed.

Election of Chairman in absence of Mayor.—Adjournment for want of quorum.

3. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman, to act during the absence of the Mayor. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the minute-book.

Order of Business.

Business of ordinary meetings.

4. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read, and, if necessary, ordered upon.
4. Reports from Committee and minutes from the Mayor (if any) to be presented and ordered upon,

5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committee or officers to be made.
6. Matters which have been specially ordered to be placed on the business paper by the Mayor.
7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
8. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

Provided that it shall be competent to the Council at any time by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

5. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Aldermen at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meeting—how prepared.

6. The business paper for every meeting of the Council, other than a special meeting, shall be made by the Council Clerk, or other person acting as his substitute, not less than forty-eight nor more than seventy-two hours before the day appointed for such meeting. He shall enter on such business paper a copy of the substance of every notice of motion and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 4 of this "Part" of these By-laws, in the same order as such notice, requisition or direction shall have been received,

Business paper for special meeting.

7. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meetings.

Summons to members.

8. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

9. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of, unless withdrawn before business paper made up.

10. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute-book of the manner in which such matter has been disposed of shall have been duly verified as required by section 1 of clause 4 of this "Part" of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up, all notices, &c., to be the property of the Council.

11. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended, without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

*Motions and Amendments.**Motions—how to be moved.*

12. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Notice to be given.

13. Four clear days' notice of every motion intended to be made in the Council, shall be given to the Council Clerk, to enable him to place the same on the business paper.

Motion to be seconded.

14. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

15. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

16. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

17. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

18. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

19. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

20. No motion for adjournment of the Council shall be discussed. If seconded, such motion shall be put at once. If negatived, no similar motion shall be permitted to be made until half an hour has elapsed after putting the one that has been negatived, and the subjects on the business paper shall be proceeded with in order.

*Orders of the Day.**Of what orders of the day shall consist.*

21. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or any committee of the Council shall have directed to be entered on the business paper for consideration.

*Petitions.**Petitions to be respectfully worded.*

22. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

23. All petitions shall be received only as the petitions of the parties signing at the same time.

How petitions are to be dealt with.

24. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that if it be received and referred to one of the permanent Committees hereinafter mentioned, or to some special Committee appointed to consider and report on the same; or that if it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable be considered in order.

*Correspondence.**Duties of Mayor as to correspondence.*

25. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 22 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 24 to apply to letters.

26. Section 24 of this "Part" of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

*Reports from Committees and Minutes from the Mayor.**Form of Report.*

27. All reports from Committee shall be written on foolscap paper with a margin of at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of same.

Mayor's minute.

28. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing. Every such minute shall be written upon paper of any kind, and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with.—Duties of Chairman, &c., in certain cases.

29. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk, such a notice of motion, requisition, or direction as aforesaid, as will enable such Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Report on Finance Committee on payment of accounts.

30. The adoption of the report of the Finance Committee on the payment of accounts shall take precedence of every other report.

Questions and Statements.

Limitations as to questions and statements.

31. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 34 of this "Part" of these By-laws.

Notice to be given.

32. Twenty-four hours' notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents: Provided, however, that nothing herein contained shall prevent any question being put and answered without notice, by the permission of the Mayor and Council.

Answer not compulsory.

33. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

34. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

35. Every such statement must be made without argument.

No discussion on question, &c.—Rights of objection and of subsequent motion reserved.

36. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council, &c.

37. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or any discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from doing so by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

38. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speeches, &c.

39. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than mover of such original motion, shall have a right to speak once upon such motion and on every amendment thereon. No Alderman shall speak upon any question other than upon a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observation than may be necessary for the purpose of such explanation.

Mover and seconder.

40. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Limited time of speaking on motion or amendment.

41. No Mayor, Chairman, or Alderman shall speak upon any motion or amendment for a longer time than ten minutes except by permission of the Council.

Speaker not to digress, &c.

42. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to any other Alderman.

Adjournment of Debate.

43. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

44. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Aldermen may require questions to be stated, &c., under certain restrictions.

45. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made *bona-fide*, it shall not be complied with.

Mayor or Chairman may move or second motion, &c., and may address Council thereon.

46. The Mayor or Chairman may propose or second any motion, and such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order.

47. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

48. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any language which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call Member to order.

49. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any Member may raise question of order.

50. Every member of the Council shall have the right of calling the attention of the Mayor or the Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member may consider out of order.

Mode of proceeding thereon.

51. A member named by the Mayor or Chairman as being disorderly, shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take, the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required

the sense of the Council to be taken in reference thereto, such question of order shall not be reopened: And provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

52. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice, which he shall deem applicable to the case, without discussing or commenting upon the same.

Motion out of order to be rejected.—Members to explain, retract, or apologise, &c.

53. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalty for persisting in disorderly conduct.

54. Any member of the Council who shall have been named by the Mayor or Chairman as being disorderly, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, as defined in section 48 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction for the first offence, to a penalty of not less than ten shillings nor more than five pounds; and on second conviction for the like offence he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on the third conviction and for every further conviction for the like offence he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council to dissent from ruling.

55. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by immediate motion, respectfully worded, invite the Council to dissent from such decision; Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which, in his opinion, is contrary to law.

Mode of Voting.

How questions are to be put.

56. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions—Penalty for refusing to vote

57. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may, under certain circumstances, be expunged.

58. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book; but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Rules applicable to business in Committee.

59. The following sections of this "Part" of these By-laws shall (except as is herein excepted) be taken to apply to the conduct of business in Committee of the whole Council, namely—sections 15 (except that it shall not be necessary that any motion or amendment in Committee shall be seconded), 16, 17, 18, 19, 33, 37, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, and 57.

Disorderly conduct in Committees.—Refusal to vote.

60. Whenever any member of the Council shall, while the Council is in Committee of the Whole, be considered guilty of an offence against good order within the meaning of section 51 of this "Part" of these By-laws it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried such matter shall be reported accordingly, and an entry of such report shall be made in the minute-book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 57 of this "Part" of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute-book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the Whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

61. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provision of section 47 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried, such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported, &c.

62. Any Alderman may at any time during the sitting of a Committee of the whole Council move that the Chairman report progress (or no progress as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day; or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

63. All reports of proceedings in Committee of the whole Council shall be made to the Council, *in voce* by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found on counting the number of members during the sitting of any such Committee that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making of any such report as aforesaid it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceeding.

How reports are to be dealt with.

64. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute-book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 60 of this "Part" of these By-laws of disorderly conduct in Committee, or under section 57 of this "Part" of these By-laws, or failure to vote on division, or of any decision in Committee upon any question of order, such report shall so far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

65. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

66. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any

such members shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

67. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

Standing Committees.

68. There shall be five Standing Committees, namely—a By-law Committee, a Committee for Works, a Finance Committee, a Parks Committee, and a Committee for General Purposes. These Committees shall be reappointed every year, at the first meeting of the Council which shall be holden after the election of the Mayor.

Constitution of Standing Committees.

69. Each of the Committees shall consist of the whole Council, three to form a quorum.

By-law Committee.

70. The By-law Committee shall prepare for the consideration of the Council, drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws and of any statute of which the operation has been or may be extended to the Borough, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Works.

71. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges and reserves under the care and management of the Council. They shall inquire and report from time to time, as directed, as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

72. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to effect, or be likely to effect, the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Parks Committee.

73. The Parks Committee shall have the care, custody, and control of all public reserves and other public places under the care and the management of the Council; and all works ordered or sanctioned by the Council to be made therein shall be under their general direction. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

74. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council not coming within the province of one or other of the before-mentioned Standing Committees, and shall from time to time inquire into and report upon any such subject, matter, or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

75. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which in the opinion of the Council a Special Committee ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution of the Council; and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

76. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Term of Service in Committees.

77. Appointments to the By-law Committee, the Committee for Works, the Finance Committee, and the Parks Committee shall be for the whole municipal year. The Chairman of these four Committees as appointed to or removed from the Chairmanship of the same, shall be thereby and without any further order regarded as having been appointed to or removed from the Committee for General Purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 109 and 110 of the "Municipalities Act of 1867;" and that so much of this By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Committee Meeting, how called.

78. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Records of transactions in Committee.

79. The Chairman of each Standing Committee shall make or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

80. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with orders of the Council.

81. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor for necessary current expenses, to the extent of ten pounds.
3. By order of the Mayor and any two Aldermen, or without the Mayor, or any four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

All claims to be examined and reported upon by Finance Committee.

82. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's order.—Certificate to be attached to report.

83. No payment shall be so ordered unless there shall be a certificate memorandum from the Committee, Mayor, or officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment. Provided, however, that such special report as last herein mentioned may be embodied with a report by which payment of the amount in question is recommended. Provided also, that in cases of special expenditure under section 81 of this "Part" of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate. And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount, shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorizations shall be attached respectively to the reports from the Finance Committee on the payments or outlays to which such certificates, memoranda, or authorizations have reference.

Common seal and records of the Council.

Common seal and press, how secured.—Care of same.

84. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how common seal to be used.

85. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or, in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected.

86. The Council Clerk shall keep such books of account and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also, to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined.—Provisions for proper keeping of the same.

87. The minute-book, letter-book, and all rate and assessment books, books of account, records, statements, and memoranda of receipts and expenditure, electoral rolls and other records relating to elections, business papers, reports from Committees, minutes from the Mayor, petitions letters on municipal business, addressed to the Council or to the Mayor, or to any officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records other than the minute-book and other books, and other than electoral rolls and other records relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Council Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered, to which there is any reference in the minute-book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council, or a report has been brought up by any Committee thereof, in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records.

Impression of seal not to be taken, &c., without leave of Council.—Penalties.

88. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings, nor more than two pounds, for a second offence to a penalty not less than one pound or more than ten pounds, and for a third and every subsequent offence to a penalty of not less than five pounds or more than twenty-five pounds.

Records not to be removed, &c.—Penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matter of evidence.

89. Any person removing any such book or other record of the Council as aforesaid, from the Council Chamber, or the place where, by direction of the Council, such book or other record is usually kept, without leave for such removal having been first obtained from such Council, or without other lawful course for such removal, as hereinafter provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record as aforesaid, and shall not have returned the same, to prosecution for stealing such book or record, or to an action at law for detention of the same, as the circumstances of the case may warrant: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk by the Mayor, in order that such Clerk may post up entries, prepare returns, or perform any other duty which it may be necessary that he should perform: also, that the Mayor, or the Chairman of any Committee, or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution at suit at law by, against, or at the instance of the Council; but in all such cases, such Council Clerk, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed and every such receipt shall be carefully preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed: And provided also, that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a Court of law shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as may be, and shall, before removing the same, leave at the Council Chamber a receipt for such book or other record as aforesaid; and every such person so temporarily removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

90. Any person destroying, defacing, or altering any record of the Council shall, for every such offence, be liable to a penalty of not less than five pounds, nor more than fifty pounds.

Officers and Servants.

Notice to candidates in certain cases.

91. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications for qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

92. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

93. Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried officer or servant of the Corporation to any other permanent office or employment at the disposal of the Council to which no further salary is attached; or to prevent the appointment in like manner of any such officer or servant to any other office or employment of which the duties require only occasional attention, and are to be paid by allowances proportionate to the extent of such duties; or to prevent any similar appointment or employment by the Mayor or by any committee or officer of the Council under the authority of any By-laws; or to prevent the employment as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Borough.

Bonds for good conduct.

94. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the Council Clerk or the bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

95. The Council Clerk, in addition to the duties which, by the "Municipalities Act of 1867," or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Borough under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may by order of the Council (as hereafter provided) be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor; and shall, when ordered by the Mayor or Finance Committee, make a half-yearly return of the revenue and expenditure.

Duties of Treasurer, &c.

96. Any officer of the Council, other than the Council Clerk, may have any records of the Council, other than those mentioned in section 84 of this "Part" of these By-laws, committed to his charge by an order of the Council, and he shall in such case be responsible to the Council for the safe keeping of such records.

Duties of other officers and servants.

97. The duties of all officers and servants of the Corporation shall be defined by such regulations as may, from time to time, and in accordance with law, be made as follows, viz.:—As to the duties of the Council Clerk other than those under section 95 of this "Part" of these By-laws, and his assistants (if any)—by the Mayor or Council. As to the duties of the Council Clerk under section 86 of this "Part" of these By-laws, of all collectors of rates, bailiffs, bailiffs assistants and other officers and servants employed in and about the collection of revenue, whose superintendence is not hereinafter specially entrusted to any other Committee—by the Finance Committee. As to all surveyors, architects, clerks of works, overseers, inspectors of water supply, sewerage, or drainage, or other officers and servants employed in and about the public works of the Borough, and in the supply of water therefor, or the sewerage or drainage thereof, whose superintendence is not herein specially entrusted to any other Committee—by the Committee of Works. As to the attorney for the Corporation, Inspector of Nuisances, and other officers and servants employed in and about the carrying out and enforcement of the general provisions of the "Municipalities Act of 1867," and of any other statute of which the operation has been extended to the Borough, and of the By-laws for the general good government of such Borough, whose superintendence is not herein specially entrusted to any other Committee—by the By-law Committee. As to managers, overseers, workmen, and other officers and servants employed in and about any public reserves and other public places under the care and management of the Council—by the Parks Committee. And as to librarians, managers of public institutions under the charge of the Council, and all other officers and servants employed in or about any matter over which the Council has control, and whose superintendence is not herein specially entrusted to any other Committee or to the Mayor—by the Committee for General Purposes: Provided that all such regulations shall be in writing, and shall be in all cases laid before the Council at the first meeting thereof, which shall be holden after the making of any such regulations, and shall be in strict accordance with any such orders or directions as may have been at any time given by such Council touching the matters to which any such regulations may have reference.

Special powers of Mayor.

98. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is so on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statements or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered *viva voce* or put into writing, as the Mayor may direct.

How complaints against officers be dealt with.

99. All complaints against officers or servants of Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever

shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who immediately upon the receipt of any such complaint, and without laying the case before the Council, shall have power to investigate the same. And if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to, and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaints, with all reports, explanations, and information as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided, further, that nothing herein contained shall be held to affect in any way the special power conferred upon the Mayor by section 152 of the "Municipalities Act of 1867," or any other special power which now is, or hereafter may be, conferred by statute upon such Mayor.

Miscellaneous.

Leave of Absence.

100. No leave of absence shall be granted to the Mayor to any Alderman, otherwise than by a resolution of Council adopted after due notice.

Motions for rescission of previous orders, &c.

101. Whenever a motion for the rescission of any order resolution, or vote of the Council shall have been negative, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negating such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after the notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

102. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

103. Such suits or information for the enforcement of penalties for or in respect of breach of the "Municipalities Act of 1867," or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Borough, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid, as follows, namely—When against a member of the Council or an Auditor, or any officer of the Corporation—by the Council Clerk unless such Council Clerk shall be the officer to be proceeded against and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted, and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceedings be taken against any officer of the Council, except on the order of such Council or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of such Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of calling for tenders.

104. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

103. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as herein-after provided that such draft is so lying for inspection.

How notices are to be published.

106. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Borough.

Persons obstructing officers of the Council.

107. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language, towards the said officer in any street, road, or other place within the said Borough, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

Mode of proceeding in cases not provided for.

108. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend, temporarily, certain portions of this Part of these By-laws.

109. Any such section or sections of this "Part" of these By-laws, or any portion or portions of such sections or section as are not hereinafter excepted, may be suspended by resolution on notice at any meeting of the Council: Provided that there shall be a distinct statement in every such resolution, and in the notice of the motion whereon the same shall have been adopted, of the purpose for which suspension is required, and that for every separate matter or business as to which such suspension is so required, there shall be a separate resolution as aforesaid: And provided also that the following sections hereof shall never be suspended, nor shall any one of them nor any portion of any such sections, be suspended on any pretence whatever, namely:—Sections 6, 7, 8, 9, 10, 21, 22, 24, 25, 26, 27, 28, 29, 30, 33, 37, 38, 41, 42, 44, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 79, 80 to 89 inclusive, 91, 92, 93, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107.

PART II.

Collection and Enforcement of Rates.—Times and modes of Collection.

Rates under sec. 134 of the 31st Vic. No. 12 to be collected half-yearly.

1. All rates or levies imposed by the Council under the provisions of section 164 of the "Municipalities Act of 1867," and for the purposes mentioned in the said section, shall be collected by annual or half-yearly instalments, as the Council shall from time to time direct, and shall be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special Rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said "Municipalities Act of 1867," and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution, at the time of making or imposing such rates, or any of them, have appointed.

Office hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council by resolution from time to time for that purpose.

Defaulters.

4. Every person not paying his or her rates as aforesaid within thirty days after the day so appointed as aforesaid for payment thereof, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons so in default.

Mayor to enforce payment.

5. It shall be the duty of the Mayor either to issue distress warrants against all such persons so in default as aforesaid, and to cause such warrants to be enforced, or to cause such defaulters to be sued for the amount of such rates in a Court of competent jurisdiction.

Enforcement by distress.

Bailliff.

6. A bailliff shall, when found necessary, be appointed by the Mayor.

Bailliff's sureties.

7. The bailliff shall find two sureties to the satisfaction of the Mayor, to the extent of £25 each, for the faithful performance of his duty.

Duty of Bailliff.

8. It shall be the duty of the bailliff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the bailliff shall sell the goods so distrained, or a sufficient portion thereof by public auction, either on the premises or at such other place within the said Borough as the bailliff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory:

11. At the time of making a distress, the bailliff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the bailliff shall give a copy of the inventory to the ratepayer on demand, at any time within one month after making such distress.

Goods may be impounded.

12. The bailliff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same, on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon shall at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The bailliff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the bailliff for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Municipal District of _____, do hereby authorize you _____, the bailliff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, for _____, being the amount of rates due to said Municipality to the _____ day of _____, for the said dwelling-house (or land or premises, as the case may be) and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 188 _____

Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of _____, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____ within the said Municipality, for _____, being the amount of rates due to the said Borough to the _____ day of _____ Dated this _____ day of _____, 18 _____.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20	2	0
Above that sum, in addition for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day, or part of a day	5	0
For sale, commission, and delivery of goods, per pound on proceeds of the sale	1	0

PART III.

Preventing and Extinguishing Fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

2. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling house or other building, or boundary or dividing fence, within the said Municipality, without having given notice in writing to the occupiers of the lands or premises adjoining the lands or premises upon which such matter shall be, of his intention so to do, or shall wilfully set fire to such inflammable matter as aforesaid between the hours of six in the afternoon of any day and six in the morning or the following day, shall for every such offence forfeit a sum not exceeding five pounds nor less than one pound.

Fireworks.

3. Every person who shall light any bonfire, tar-barrel, or firework, upon or within ten yards of any public or private street, or any public place, or shall discharge any firearms without lawful cause within one thousand yards of any dwelling within the boundaries, shall forfeit a sum not exceeding five pounds.

4. If any chimney catch or be on fire, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Stipendiary Magistrate before whom the case is heard that such fire was in no wise owing to the omission or carelessness, whether with respect to cleanse such chimney or otherwise, of himself or his servant.

Burning shavings, &c., in the streets.

5. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipality, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

PART IV.

Streets and public places.—Public health and decency, &c.

New roads to be reported upon.

1. No new public or intended public road, street, lane, way, park, reserve, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, lane, way, park, reserve, or other place as aforesaid shall have been levelled by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works or some officer of the Council duly authorized in that behalf, or until the said road, street, lane, way, park, reserve, or other place as aforesaid shall have been duly examined by the Committee of Works or such duly authorized officer as aforesaid, and reported upon to the Council by such Committee or duly authorized officer as aforesaid.

Plan of proposed new roads, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, lane, or way, or lay out any park, reserve, or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, lane, way, park, reserve, or other place, he, she, or they shall furnish the Council with a plan or plans, signed by himself, herself, or themselves, showing clearly the position and extent of such road, street, lane, way, park, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council shall determine to take charge of any such road, street, lane, way, park, reserve, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council; and the proprietor or proprietors as aforesaid shall execute such further instrument dedicating such road, street, lane, way, park, reserve, or other place to public use or recreation as aforesaid as may be considered necessary by the Council; and such further instrument or dedication shall also be preserved as a record of the Council.

Roads and streets, and encroachments thereon, &c.

4. The Committee for Works, or the Surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for making out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, ways, and thoroughfares, and the carriage and footways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, ways, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, way, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such Committee for Works, or Surveyor, or other officer or person as aforesaid, to place, or cause to be erected, posts at the corners or intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footway on each side, where the road, street, lane, way, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, way, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as herein-after provided: Provided further, that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

5. Whenever it may be deemed necessary to alter the level of any such public road, street, lane, way, or thoroughfare as aforesaid, the Committee for Works shall cause a plan and section, showing the proposed cuttings, to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Municipality that such plan is so open to inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk. And such plan and section so signed and countersigned shall be a record of the Council.

Footway or path-way, when flagged or asphalted, not to be interfered with without permission.

6. Whenever the footway or path-way in front of any house or the ground, along any road, street, private street, or lane within the Municipality has been flagged or asphalted by the Council, the same and the asphalt or flagging thereon shall not be removed, taken up, or otherwise interfered with by any person whomsoever without the permission of the Mayor or Committee for Works first being had and obtained. And every person removing, taking up, or otherwise interfering with such footway or path-way, or the flagging or asphalt thereon, without first obtaining the permission of the Mayor so to do, and every person wilfully or maliciously injuring or destroying such footway or path-way, or the asphalt or flagging thereon, shall on conviction forfeit and pay for every such offence any sum not exceeding ten pounds and not less than five shillings.

Erection of house—fee for permission, &c.

7. Every person intending to erect or put up any fence, house, shop, or other erection or building, in or upon the building line of any road, street, lane, passage, thoroughfare, place, or premises within the Municipality, shall, either by himself or by his contractor, serve or cause to be served seven days' notice in writing on the Mayor or Council Clerk or other duly authorized officer before commencing the same, stating his intention, and describing the proposed situation of the

proposed fence, house, shop, or other erection or building, and shall at the time the said notice is given as aforesaid, pay unto the Council Clerk or other duly authorized officer a fee of five shillings for permission to erect any such fence, or any such house, shop, or other erection or building; and every owner of every such fence, house, shop, or other erection or building who shall, by himself or his contractor, commence to put up or erect any such fence, house, shop, or other erection or building, without having first given such notice as aforesaid, or without having paid such fee as aforesaid, shall be liable to forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings

Pipes, gutters, &c

8. It shall not be lawful for any person to carry, by means of pipes, gutters, or other contrivances, any rain water from the roof of his or her premises or house upon any of the footways of any road, street, lane or public place within the Municipality. Any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required so to do by any officer of the said Council, shall on conviction forfeit and pay any sum not exceeding twenty shillings nor less than five shillings. Provided that the owner or occupier of any such premises or house may convey any such rain water by means of pipes laid under the surface of any such footways into the gutter adjoining the same, and subject to the approval of the Committee for Works or some officer of the Council duly authorized in that behalf

No balcony, &c, to project

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any verandah, portico, or balcony to project beyond the building line of any street, road, lane, or thoroughfare, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding two pounds nor less than one pound, except with the consent of the Council first obtained. Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street, road, or thoroughfare less than 30 feet wide. Provided also, that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice

10. The Surveyor or other officer or person duly authorized by the Council in that behalf may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, passage, thoroughfare, or public place under the charge of the Council. Notice shall in this case be served either personally, or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same or caused it to be erected

Council may remove encroachments

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its Overseer of Works or other proper officer duly appointed in that behalf, and at the cost of the person so offending (provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds), or at the Council's option, to proceed against the offender for the breach of this By-law, the penalty for the first offence not to exceed twenty-five pounds nor to be less than one pound; and in case of the second and every successive offence, the penalty on conviction not to be less than two pounds nor more than twenty-five pounds

Or may proceed by action

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council, either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment

To apply also to obstructions by digging, &c

13. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations, and any person who shall wilfully obstruct or interfere with the Overseer of Works or other officer of the Council as aforesaid, or any person acting for or under him or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Overseer of Works or other such officer as aforesaid, shall on conviction forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Hoads or fences, to be erected

14. Every person intending to build or take down any building within the limits of the Municipality, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street, road, passage, thoroughfare, or public place, or any part thereof will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail, if there be room enough to leave as a foot way for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the Overseer of Works or other officer of the Council of the Municipality duly appointed in that behalf, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise; and every such person who shall fail to put up such fence, or hoard, or platform with such hand-rail as aforesaid, or to continue the same respectively standing in such good condition as aforesaid during the period of such building, or taking down, or who shall not, while the said hoard or fence is standing, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise, or who shall not remove the same when directed by the Overseer of Works or such other officer of the Council of the Municipality within a reasonable time afterwards as aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c, to be removed from streets without permission

15. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or footway of any street, road, lane, or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage such carriage or footway, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed

16. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left, any hole adjoining or near to any street, road, lane, passage, thoroughfare, or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works or Foreman of Works of the said Municipality, or shall keep up or cause to be kept up and continued, any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights on each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding ten pounds.

Open spaces and steps adjoining the foot ways to be enclosed, under penalty

17. Every owner or occupier of any land, house, building, or premises within the said Municipality, having any entrance area, garden, or other open space, or any vacant building lot, water hole, quarry, excavation, or opening in the ground adjoining or near to any footway of any street, road, lane, passage, thoroughfare, or public place in such Municipality, shall protect and guard the same by good and sufficient five-foot paling fence at the least, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land, having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof, every such owner or occupier shall, as often as he shall be convicted for any such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner and occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such convictions aforesaid shall be deemed guilty of a further offence against this By-law

Wells to be covered over —Penalty

18. Every person who shall have a well or underground tank, used for domestic or other purposes, situated between his or her dwelling house or the appurtenances thereof and any road, street, or footway within the limits of the said Municipality, or at the side of or in any yard or place open or exposed to such road, street, or footway, shall cause such

well to be securely and permanently covered over; and if every person having such well or underground tank as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by the Overseer for Works or other officer of the Council duly authorized in that behalf or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open and uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs, &c.

19. The Mayor, or any officer or person acting under the authority of the Mayor, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any other necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

20. Any person who shall haul, draw, or caused to be hauled or drawn, upon any part of any street, road, lane thoroughfare, passage or other public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or draw or trail upon any part of such street, road, lane, thoroughfare, passage, or public place, to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Driving carriages, &c., on foot-paths; and throwing filth, &c.

21. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood or any matter or thing in or upon the carriage-way, footway, gutter, or water-table of any street, road, lane, thoroughfare, passage, or other public place in the said Municipality, or shall kill, slaughter, dress, or cut up any beast, swine, sheep, lamb, or other animal in or so near to any such street or public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage-way, footway, gutter, or water-table; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street, road, lane, passage, thoroughfare, or public place, any waggon, cart, dray, sledge, or other carriage, truck, or any bicycle or tricycle, or any hogshead, cask or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Placing carriages, goods, &c., on footways, &c.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

22. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board, (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage-way, footway, gutter, or water-table, in any street, road, lane, passage, thoroughfare, or public place within the said Municipality; or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage-way, footway, gutter, or water-table, any timber, stone, bricks, lime, or other material or things for building whatsoever (unless the sanction of the Overseer of Works or other officer of the Council duly authorized in that behalf has been first had and obtained, or unless the same shall be enclosed to the satisfaction of the Overseer of Works or such other officer as aforesaid) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or

premises, over any part of any such footway, carriage-way, gutter, or water-table, or over any area of any house or building premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto any such street, road, lane, passage, or thoroughfare, or public place and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other officer of the Council duly authorized in that behalf; or if any person who, having, in pursuance of any such requisition as aforesaid, removed or caused to be removed, any such stall board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheel-barrow, hand-barrow, sledge, meat, offal, or other things, or matters, whatsoever (save and except as aforesaid), in, upon, or over any such carriage or footway of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such a manner as that such an awning shall be at least eight feet above the proper level of the footway, and that the posts be placed close to the kerb-stone or outer edge of such footway, and that the said posts and any framework be erected to the satisfaction of the Council, and as may from time to time be directed by the Council.

Public Health.

23. No person shall keep, or permit, or suffer to remain on any premises within the said Municipality any vehicle, article, or thing whatsoever, from which any unwholesome or offensive smell arises.

24. All drains, earth-closets, privies, and cesspits, and ash-pits, on any premises in the said city constructed, shall be maintained and kept by the owner, occupant, or agent of such premises, so as not to be a nuisance or injurious to health, and so as that there shall be no overflow or soakage therefrom.

25. No person shall carry or convey, or cause to be carried or conveyed, through, upon, or over any street, or public place in the said Municipality, except between the hours of ten o'clock at night and five o'clock in the morning, any unwholesome or offensive matter of any kind whatsoever, and nothing herein contained is to have the effect of repealing any By-law now in force for the mode and times of removal of night-soil.

26. The occupant of every factory and the owner of every steam-engine in the said Municipal District shall construct the fire-place or furnace and chimney of such factory or steam-engine in such manner as to consume, as far as practicable, the carbonaceous matters or gases, commonly called smoke, arising from the fuel used therein, or shall affix proper and suitable apparatus to such fire-place or furnace and chimney as aforesaid so as to cause such chimney to consume such carbonaceous matters or gases as aforesaid.

27. Any person offending against any of these By-laws shall, for each offence, upon conviction before one or more of Her Majesty's Justices of the Peace, forfeit and pay a sum not exceeding ten pounds.

Sale of blown meat, &c., forbidden.

28. No person shall sell or expose, or have for sale, or keep on his premises, any meat or any other article intended, but unfit for human food, or shall expose or have for sale any adulterated butter, meal, bread, or other article of food, or any adulterated milk, knowing either of them to be so adulterated; and any person offending against this By-law shall, for every such offence, be liable on conviction to pay a penalty not exceeding twenty pounds, and shall also be liable to a further penalty, not exceeding five pounds, for every day during which any forbidden article shall be kept on the premises of such person.

No person to keep meat unfit for food.

29. No person shall keep or have in his possession or retain in any building, shop, or other place, exposed for sale, any dead animal, carcass meat, poultry, or fish intended for, but unfit for human food, and every person offending against this By-law, shall, for every such offence, be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which any such forbidden thing shall be kept or retained by any such person

Sale or letting of infected premises or goods.

30. If any person shall sell, let, or cause to be sold or let, any dwelling-house, or part thereof, or premises occupied in connection therewith in the said Municipality, which then is, or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house, or premises, the person so selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let, in the said Municipality any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

31. Any person who shall expose or cause to be exposed in any road, street, public place, or unclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Regulations of traffic in streets.

32. No person driving or riding within the Municipality shall allow his horse or horses to go out of a walking pace whilst turning any of the street corners, nor whilst passing over crossings at the intersections of streets, nor whilst passing to and from any entrance to premises intersecting the foot-paths, nor propel any bicycle or tricycle or other wheeling vehicle over any crossing or intersection of streets within the said Municipality at a pace faster than a walk.

33. All persons conducting, or taking horses along any street, thoroughfare, or public place within the Municipality, shall keep them secured by means of a halter or bridle, and shall lead them, and no person shall run or drive, or cause to be run or driven, any horse or horses loose through any such street thoroughfare, or public place as aforesaid, nevertheless that horses being taken to the Public Pound and afterwards impounded therein, or mobs of horses being driven to or from market, shall not be within the meaning of this By-law.

34. No driver of any vehicle shall be or remain at such a distance from his vehicle, anywhere within the said Municipality so as not to have immediate and full control over the same, unless he shall have previously locked the wheels thereof. Every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Slop, night-soil, &c., to be conveyed away only at certain hours.

35. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with night-soil or ammoniacal liquor therein, through or in any street, road, lane, passage, thoroughfare, or public place within the said Municipality, between the hours of five o'clock in the morning and ten o'clock at night; or shall fill any cart or other carriage so as to turn over and cast any night-soil ammoniacal matter, slop, mire, or channel dirt or filth, in or upon such street, road, lane, passage, thoroughfare, or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house, than shall be directed by the said Council or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter, otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any such road, passage, thoroughfare, public place, or dwelling-house, than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay a sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

36. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street, road, lane, passage, thoroughfare, or public place within the Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted); or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation whilst it is passing upon such street, road, passage, thoroughfare, or public place, that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or any other carriage whatsoever

meeting any other carriage shall not keep his waggon, cart, dray or coach or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Lights to carriages, &c.

37. The driver of any carriage, buggy, waggon, wain, cart, dray, bicycle, tricycle or other wheeled vehicle, when driving the same in or upon any street, road, lane, passage, thoroughfare, or public place within the Municipality, between the hours of sunset and sunrise, shall provide such carriage, buggy, waggon, wain, cart, dray, bicycle, tricycle, or other wheeled vehicle, with a lamp on each side of the same, outside, and shall keep such lamps lighted: and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than five shillings.

Riding or driving furiously.

38. Any person who shall ride or drive through or upon any street, road, lane, passage, thoroughfare, or public place within the said Municipality, so negligently, carelessly, or furiously as to create alarm, or so as that the safety of any other person or of any property shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Damage to kerb-stones, gullies, &c.

39. No driver or carter or other person shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to any culvert, kerb-stone, gutter, or pathway in any street or roadway in the Municipality aforesaid; and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than ten shillings over and above the damage done.

Loitering in the streets, &c.

40. Any person loitering or standing on the footway or carriage-way of any road, street, lane, or other public place within the said Municipality, so neglecting or refusing without reasonable cause or excuse to move on after having been requested so to do by any constable or other police officer, or any officer duly authorized by the Council of the said Municipality in that behalf, shall on conviction forfeit any sum not exceeding ten pounds nor less than five shillings.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

41. Any person or persons who shall be desirous of blasting any rock within one hundred yards of any street, road, lane, passage, thoroughfare, or public place, or dwelling-house in the Municipality, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person or persons shall blast or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him or them by the said Council Clerk, he, she, or they shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

42. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, be liable to forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

43. Any person who shall damage any public building, gate, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the Municipality, shall pay the costs of repairing the same; and if such damage be wilfully done, shall be liable to forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

44. If any person or persons shall paste, or cause to be pasted, or otherwise affix any placard or other paper or chalk or paint upon any wall, house, fence, culvert, kerb-stone, pathway, hand-rail, or other property of the Council, or in any other manner deface the same without authority of the Council, he or they shall be liable to forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

45. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street, road, lane, passage, thoroughfare, reserve, park, or public place under the management of the Council, shall be liable to forfeit any sum not exceeding ten pounds nor less than one pound.

Extirpation of noxious weeds.

46. Any owner or occupier of any premises or land within the Municipality who shall permit to grow on the premises or land, or place upon the public streets or roads, weeds known as Bathurst burr, Scotch thistle, prickly pear, sweet-briar, or any noxious weed, and who shall fail to extirpate or destroy the same within thirty days after the receipt of a notice in writing, by post or otherwise, from the Council, or proper officer of the Council, so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Obstructing public pathways.

47. If the owner or occupier of any land situate on the side of any street, road, lane, thoroughfare, or other public place within the Municipality, shall permit any shrub or plant, kept for ornament or otherwise, to overhang any foot-path, footway, or carriage-way on the side of any such street, road, lane, passage, thoroughfare, or other public place, so as to obstruct the passage thereof, and shall not, on demand made by the Council or their Inspector, Overseer, or other officer duly authorized on that behalf, cut or cause to be cut, or lop or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at the least, the Council and their servants, labourers, and workmen may cut, lop, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and may remove or burn, or cause to be removed or burnt, any portion of such trees so cut and lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every such person so offending shall on conviction for every such offence be liable to forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c.

48. Any person who shall injure any public fountain, pump, cock, water-pipe, or any other thing connected with the preservation or supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding twenty pounds nor less than one pound.

Dead animals, &c., not to be thrown into any public water-courses, &c.

49. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning into any public water-course, sewer, water-hole, river, creek, road, or pathway; or who shall suffer any slops, suds, or filth of any kind to flow from his or her premises into any such water-course, water-hole, river, creek, or sewer; or shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the foot-ways, water-tables, or streets of the Municipality; or shall permit or cause, by means of pipes, shoots, channels, or other contrivances any such suds or filth of any kind whatsoever to flow into any public water-course, water-hole, river, creek, or sewer; or shall obstruct or divert from its channel any sewer or water-course, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds, and shall pay cost of restoring such obstructed or diverted water-course, creek, or canal.

Dead animals—mode of removal.

50. If any animal shall die in any part of the Municipality, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Power of Inspector as to dead animals on private premises.

51. The Inspector of Nuisances, or any other officer appointed by the Council of the Municipality, may at any hour in the day-time enter upon any premises or place within the said Municipality where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and, if necessary, to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for

that purpose; and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition, shall forfeit and pay any sum not exceeding thirty pounds nor less than three pounds.

Dead animals, in certain cases, to be removed at cost of Owner.

52. If any animal shall die in any public street or place within the Municipality, it shall be immediately removed by the Inspector of Nuisances or other officer appointed by the said Council, and destroyed in the manner aforesaid, at the cost of the owner.

Hog-sties to be forty yards from streets, and animals suffered to stray, &c.

53. Any person who shall keep, breed, or feed any kind of swine in any house, building, yard, garden, or other place, situated and being within forty yards of any street, road, lane, thoroughfare, park, reserve, or public place in the Municipality or nearest dwelling-house, or shall suffer any kind of swine or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature or any poultry belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, lane, park, reserve, thoroughfare, or public place, shall on conviction forfeit and pay any sum not exceeding forty shillings nor less than five shillings for each and every animal so kept, bred, fed, suffered to stray or go about, or to be tethered or depastured in any such street or public place as aforesaid; and the owner or occupier of any house or premises, or other place within the said Municipality, wherein any such swine, horse, ass, mule, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatsoever, shall, within the meaning of these By-laws, be deemed the owner of such animal so kept, bred, fed, suffered to stray, or to be tethered or depastured in any such street or public place as aforesaid; and the words "any house," "building," "yard," "garden," or "other place," wherein any kind of swine shall be bred or kept as aforesaid, shall respectively be deemed hog-sties within the meaning of these By-laws; and the word "horses" shall be sufficient designation for any entires, geldings, mares, or foals, and the word "cattle" for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

Stables, cow-sheds, and pig-sties.

54. The occupier of any land or premises within this Municipality on which there shall be erected any stable, cow-yard, fowl-house, cattle-shed, or pig-sty, shall cause such premises to be kept in such a state in respect to cleanliness as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure, produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and there to be in an offensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure, to be from time to time removed from such premises, as often as the quantity so collected shall amount to one cubic yard. And if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom, as aforesaid, the same shall be removed by the Inspector of Nuisances, at the expense of such occupier. For an offence against this By-law any person shall be liable to a penalty of not less than one pound nor more than five pounds.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

55. If upon the certificate of any two duly qualified medical practitioners it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

As to private avenues, or dirty or unwholesome premises.

56. Any owner or occupier of any house, building, yard, garden, premises, or other place within the Municipality who shall neglect to keep clean any private avenues, passages, yards, thoroughfares, and ways within the said premises so occupied, or belonging to him, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than ten shillings for every such offence,

Cleansing butcher shambles, slaughter-houses, &c.

57. For preserving the cleanliness of the Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he, they, or any of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments, manufactory, factory, or establishments in the Municipality, and give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries and establishments, both within and without, as to him, them, or any of them shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds and not less than ten shillings.

Complaints respecting dirty premises, &c.

58. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of, and the Inspector of Nuisances or other officer appointed by the Council as aforesaid, shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment, or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain and be in any cellar or place within any dwelling house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

59. Every person who, in any street, road, lane, thoroughfare, park, reserve, or other public place or passage, within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers in or through the Municipality, shall commit any of the following offences, shall on conviction for any and every such offence, forfeit and pay a penalty of not more than five pounds:—

- (1.) Every person who shall hoist, or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street, road, lane, passage, thoroughfare or public place, and close to the footway thereof without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street, road, lane, passage, thoroughfare, or public place, the carcass or any part of the carcass of any newly-slaughtered animal, without a sufficient clean and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Throwing filth, &c., on footways, &c.—Killing animals.

- (3.) Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or filth, or annoyance, or any matter or thing, into any public water-course, sewer, or canal, or in or upon the carriage-way, footway, or water-table of any street, lane, or other public place in the said Municipality, or shall kill any beast swine, calf, sheep, lamb or other animal for the purpose of sale, upon any premises, shall, on conviction, forfeit and pay a fine not less than forty shillings nor more than five pounds, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction.
- (4.) Every person who shall place any line, cord, or pole, across any street, road, lane, passage, thoroughfare or public place within the Municipality, or hang or place clothes thereon, or allow any tree or shrub to overhang the foot-path, to the danger or annoyance of any person.
- (5.) Every person who shall haul, place, or cause to be hauled or placed, any boat, gear, or spars, upon any of the reserves within the Municipality aforesaid, and refusing to remove the same when lawfully requested so to do.
- (6.) Every person who shall place any flower-pot in any upper window, near to any street, road, lane, passage, thoroughfare, or public place within the Municipality, without sufficiently guarding the same from being thrown down.
- (7.) Every person who shall place, hang up, or affix any sign-post, board, house-ticket, notice, or other similar thing otherwise than close and parallel to or flat upon the wall of the house, shop, or building to which the same belong.

(8.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or buildings are being erected, pulled down, or repaired).

(9.) No person shall deposit, or cause or suffer to be deposited, in or by the side of or on any road, street, right-of-way, lane, passage, water-channel or gutter, or in any creek or in any other public place within the Municipality, any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil; and no person shall deposit or cause or suffer to be deposited, any night-soil or other offensive matter on any land, field, or garden, within the Municipality.

(10.) Every person who shall carry goods on any frame to the annoyance of any person upon the footway of any street, road, lane, or other public footway.

(11.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb or any person who may have the right of way or use of any private yard, alley, street, or any other place within the said Municipality.

Passengers, &c., not to be interrupted by dusting.

(12.) Between the hours of eight o'clock in the morning and seven o'clock in the evening of any day, no person shall cause interruption, annoyance, or inconvenience to passengers along the streets or footpaths of the said Municipality, by raising, or discharging, dust upon or across any such street or foot-path, whether from buildings in process of erection or demolition, or otherwise howsoever.

(13.) Any person who, being the owner or person in charge of any pigeons or other birds, shall permit any such bird to be at large within the Municipality, shall on conviction forfeit and pay a penalty not exceeding forty shillings nor less than ten shillings, and any person duly authorized by the Council may destroy such bird without being responsible to any person claiming the ownership of such bird.

Bathing prohibited within certain limits.

60. Any person who shall, except in proper costume, bathe near or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the Municipality, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of the person.

61. Any individual who shall offend against decency by exposure of his or her person in any street, road, lane, passage, or thoroughfare, or public place within the Municipality, or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than one pound.

PART V.

Noisome and Offensive Trades.

Complaint—Inquire and report—Order of Council thereon—Notice to discontinue, &c.—Penalty.

1. Upon the complaint in writing, by any householder, that any noisome or offensive trade is being so followed, conducted or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of his or her family, or to otherwise annoy, injure, or be a nuisance to such householder and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation, so complained of, and so being conducted, followed, or carried on as aforesaid, is a noisome or offensive trade within the meaning of these By-laws, notice shall be given to the person or persons conducting, following or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and

pay a sum not less than forty shillings nor more than five pounds, for a second offence a sum of not less than five pounds nor more than twenty-five pounds, and for the third and every subsequent offence a sum not less than ten pounds nor more than fifty pounds.

Mode of proceeding when noisome and offensive trade is about to be commenced.—Penalty.

2. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacturer trade, calling, or operation is about to be commenced or entered upon which is likely to prove noisome and offensive within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measure as shall effectually and permanently prevent the same from becoming noisome or offensive within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way noisome and offensive within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

Service of notice—Liabilities.

3. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14th Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the Municipality, nor shall any bowling-alley, dancing saloon, or other place of public amusement other than a place licensed as aforesaid, or place for temporary amusement hereinafter specially provided for, be used as such, for hire or profit within the Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor—Penalty for exhibiting, &c., without license.

2. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the Municipality to be used for purposes of public amusement other than entertainments requiring to be licensed as aforesaid for not more than one week; Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality. Every person holding or keeping such exhibition, or using any place within the Municipality for public amusement as aforesaid, or causing or permitting such place to be used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid in or upon such building or ground, and the name of such occupier. And every person who causes, and every occupier of any such building or land, who permits any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week, in or on any

such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence any sum not less than one pound nor more than twenty pounds.

Certificates of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid, stating the particulars aforesaid, and if upon inspection by the proper officer, the building or land shall have been found to be secure and proper for the purpose stated, and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or to be a nuisance to any inhabitants of the said Municipality, the said Council shall cause the aforesaid premises to be registered in a registry book to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises. And the said Council may at any time, and for any of the causes hereafter mentioned, suspend for a stated period the effect of or cause of any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land: and during such suspension, or after such cancellation, such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council duly authorized in that behalf may at all reasonable times enter into or upon and inspect any such registered building or land.

No exhibition, &c., on Sundays, &c.

6. No such exhibition or place of public amusement, as aforesaid shall be held, except by permission of the Council, or kept open or used for the purposes of such public amusements on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Registration fee.—Time for which registration shall be in force.

7. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk for the benefit of the said Municipality, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein and no other.

8. The certificate of registration aforesaid shall be regarded as a license from the Council for the holding or keeping of the exhibition, or for carrying on the public amusements therein mentioned, but for none other. Any occupier of such building or land who shall hold or keep therein or thereon any exhibition, or shall use such building or land for any public amusements other than such exhibition or amusements mentioned in such certificate or license, shall for every such offence forfeit and pay any sum not less than ten shillings nor more than ten pounds.

Unlawful games and exhibitions.

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any game with dice, or other games of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality or involving cruelty to animals, or likely to cause any breach of the peace, are proposed to be had or carried on; and the occupier of any building or land so registered as aforesaid who shall permit any such game of chance or exhibition or amusement as are in the section before mentioned, to be had, held, or carried on in or upon such building, shall for every such offence forfeit and pay a sum of not less than ten shillings nor more than ten pounds.

Suspension or revocation of license—Notice to be given, and license to be allowed to show cause.

10. The effect of any such registration as aforesaid may be suspended, or such registration may be cancelled, as the Council shall think fit, for any of the following causes, namely: Whenever the occupier of the registered building or land, or the manager of any such exhibition or amusement as aforesaid, held, kept, conducted, or carried on, in, or upon such building or ground shall have been twice convicted of offences against these By-laws within a period of twelve months; or whenever it shall be shown to the satisfaction of the said Council that the superintendent, director, or manager, or other person in charge of any such exhibition or amusement is a confirmed drunkard, or that such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace, or become a nuisance to any inhabitants of the Municipality: Provided that before any such suspension or cancellation as aforesaid, the occupier of such registered building or land shall have notice of the fact, the said Council is about to consider whether there shall be any such suspension or cancellation, and of the causes of this proceeding, and shall be allowed to show cause against such suspension or cancellation before the same shall be ordered.

Construction of term "occupier"—Change in occupancy—False statement.

11. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition or public amusement as aforesaid, in or upon any such building or land as aforesaid; or who shall reside in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on; or who, being the owner, lessee, or tenant of any such building or land, shall permit the same to be used for the purposes of any such exhibition or public amusement, shall be deemed the occupier of such building or land for all the purposes of these By-laws. And the said By-laws shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every other occupier whose name shall have been so registered as aforesaid shall be deemed and taken to be, and continue to be, such occupier for all these purposes of these By-laws: Provided that in the event of any change in the occupancy of any such building or ground as aforesaid it shall be competent for the parties concerned to notify the same, by writing under their hands, to the said Council Clerk, who shall lay such notification before the Council at its next meeting; and if, after such inquiry as such Council may deem necessary, there shall seem to be no valid objection to such change of occupancy, a corresponding entry shall be made in the registry aforesaid, and a new certificate shall be issued, which shall be in force until the then next ensuing 31st day of December, and no longer. And for every such new certificate a fee of five shillings shall be paid to the said Council Clerk for the benefit of the said Municipality. And any person who shall make any false statement in any such application or notice as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall for every such offence forfeit and pay any sum not less than one pound nor more than twenty pounds.

PART VII.

Water Supply.

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein, any animal whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever; or shall cause or permit, or suffer to be run or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water; or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid; or shall do anything whatsoever whereby any water or waterwork belonging to the said Council, or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence be liable to forfeit and pay any sum not exceeding five pounds, for a second offence any sum not less than five pounds nor more than ten pounds, and for the third and every subsequent offence any sum not less than ten pounds nor more than twenty pounds.

Wilful waste of water.

2. Whosoever being supplied with water by the Council from any waterworks, fountain, reservoir, or standpipe of or belonging to, or under the control or management of the said Council, or having access to any such waterworks, fountain, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump, or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds, for a second offence any sum not less than one pound nor more than twenty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than forty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural water-course, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment he shall for every such offence forfeit and pay a sum of fifty pounds.

Diverting water from reservoirs of Council in certain cases.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water having fallen on any gathering ground, whosoever shall, by any means whatsoever, divert

any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks or some water-course leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than twenty pounds, for a second offence any sum not less than two pounds nor more than forty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than fifty pounds.

PART VIII.

Sewerage and drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed according to the direction of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Disposal of sewage, &c.

3. The Council shall have power from time to time to enforce the adoption or alteration of any system, which to them may appear necessary, for the better regulation, disposal, or treatment of night-soil, sewerage or other drainage, and may suspend the use or further extension of any system which to them may seem detrimental to public health. Any person refusing to comply with any requisition made under this By-law after receiving notice from the Council or an officer under them, shall forfeit a sum not exceeding five pounds nor less than one pound for each offence.

PART X.

By-laws for the Municipality of Manly, for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. No cesspit, closet, or pit to contain faecal matter, shall be allowed to be made. Every person about to erect an earth-closet shall, before he commences any such work, give to the Council Clerk seven days' notice, in writing, of his intention, and of the proposed position of such earth-closet; or in default thereof, or in the case of his commencing such work without such notice, he shall be liable to a penalty of not less than one pound nor more than five pounds.

2. No earth-closet shall be erected except in such position as shall be approved by the Inspector of Nuisances or other officer appointed by the Council, or shall be approved by the Council; and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

3. Every earth-closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened from the inside, and shall be ventilated; and every person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

4. Every earth-closet already built, or hereafter to be built, shall be provided with a galvanized-iron pail, capable of containing not less than six gallons, and having handles attached to two sides thereof, and also with a box or compartment containing dry earth or ashes, and provided with a pint scoop, to enable any person using the closet to throw a pint of dry earth or ashes through the seat into the galvanized-iron pail.

5. The owner of every house let to a tenant for a shorter term than one year, or his agent employed to let the house, shall be liable to a penalty of not less than one pound nor more than five pounds, for neglecting or refusing to supply the articles mentioned in section 4 of this "Part" of these By-laws.

6. When two or more closets adjoin each other there shall be a sufficient dividing brick or stone wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the closet through the roof of the closet, so as to effect a complete separation; and every

person having or building closets adjoining each other contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

7. A separate closet shall be provided for every tenement; and a breach of this By-law shall make persons using a joint closet liable to a penalty of not less than one pound nor more than five pounds.

Number of closets for factories or where numbers of persons are employed.

8. In factories or other places where a number of persons shall ordinarily reside or be occupied or employed therein, one earth-closet shall be provided for every ten persons or under, and separate closets at the same rates shall be provided for either sex; and every owner, occupier, or tenant of any such factory or other place, and every other person who shall offend against this By-law or fail to provide the required number of earth-closets as stated in this By-law, shall forfeit and pay a penalty of not less than two pounds nor more than ten pounds.

9. Every closet shall be built in such a position that the same may be emptied without the contents being carried through any dwelling-house; and every person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

10. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances, or any officer appointed by the Council in that behalf, for preserving the public health or decency in the case of any existing closet, and the Council shall adjudge such closet to be either injurious to health, or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances, or other officer, and the cost of such alterations shall be paid by the owner or occupier of the premises whereon the same shall be.

11. All night-soil shall be removed by the contractor to the Council in carts to be constructed in an approved and water-tight manner to the satisfaction of the Council, and between the hours of 10 p.m. and 5 a.m. The contractor shall convey the same without delay to an appointed depot, and shall dispose of the same by burying in the earth to a depth of two feet from the top of the night-soil, and covering with earth, so as to prevent any nuisance. And any contractor neglecting to comply with this By-law shall forfeit and pay a sum not exceeding twenty pounds and not less than ten pounds for every such offence.

12. The place of deposit shall be in such locality as may be from time to time determined upon by the Council with approval of Governor.

13. Until otherwise provided by the Council, all night-soil from existing closets shall be removed from cess-pits by contract, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

14. Until, and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

15. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and on being removed from the vehicles in which it is carried, shall be deodorized by chemicals, or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom. Any person guilty of a breach of this By-law shall be punishable by a penalty of not less than one pound nor more than twenty pounds.

16. When any new building is about to be erected, the builder thereof shall first erect and fence off with a close paling fence five feet high on the premises a temporary closet, not less than three feet by two feet six inches, for the use of the workmen employed on such building; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds and not less than two pounds.

17. All earth closets shall be emptied once in seven days, or oftener, and the contents buried in the earth; and every person infringing this By-law shall be liable to a penalty of not less than one pound nor more than two pounds.

18. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil, and in the event of his so doing, he shall be liable to a penalty of not less than two pounds nor more than ten pounds.

19. The Council may recover such sums for the emptying of any closet as may be decided upon from time to time by resolution of the Council.

20. On and after the first day of January, in the year of our Lord one thousand eight hundred and ninety, no persons shall be permitted to have in their premises an open closet or cesspit for the deposit of faecal matter, and any person or persons allowing any such closet or cesspit to remain after receiving seven days' notice to remove the same, shall forfeit a sum not exceeding five pounds nor less than one pound; and after such conviction, if not removed within a further period of seven days, shall forfeit a further sum not less than five shillings nor more than two pounds for every day that the same shall remain unaltered or unremoved.

21. The Inspector of Nuisances, or other officer appointed by the Council, may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act 1875," therein, on all days except Sundays and public holidays, between the hours of 10 o'clock in the morning and 4 o'clock in the evening.

MANLY MUNICIPAL BATHS.

By-laws to regulate Bathing in the Public Baths in the Municipal District of Manly.

WHEREAS it is necessary for the good rule and government of the Municipal District of Manly that provision should be made for regulating bathing and the conduct of persons using the public baths, and known respectively as the Manly Municipal Baths in the Municipal District of Manly: It is therefore hereby ordered by the Mayor, Aldermen, and residents of the Municipal District of Manly, in pursuance of the power and authority in them in that behalf vested, that the following By-laws shall be and the same are hereby passed:—

1. No public bath in the Municipal District of Manly shall be opened or kept open for the use of bathers, except between the hours of 4 in the morning and 9 o'clock in the evening, on week days; nor on Sundays except between the hours of 4 o'clock in the morning and noon, unless by permission of the Council.

2. No person using or visiting any public baths in the Municipal District of Manly shall misconduct himself in any way therein, nor make use of any indecent, obscene, or offensive language, nor be guilty of any disorderly conduct therein.

3. No person shall, when in a state of intoxication, enter or remain upon any public bath within the said Municipal District of Manly, nor be guilty of any disorderly conduct therein.

4. No person visiting or using any public bath within the said Municipal District of Manly shall take with him or allow to remain therein any dog.

5. No person shall bathe in or use any public bath within the said Municipal District of Manly without paying the fee demandable from such person, and shall use a proper bathing costume.

6. The Manly Public Baths may be leased annually or for a term of years.

7. The purchaser of every such lease shall within seven days from the date of purchase, and from time to time thereafter, pay into the funds of the Council or their agent the amount of the purchase-money or rent for six months in advance, and shall also execute the lease when called upon.

8. Such lessee shall also within the time specified in the above clause, provide two sureties who shall execute a bond to the Council in a penal sum to be fixed by the Council for the faithful discharge of all the covenants of the said lease, and all the expenses in connection with such bond and lease shall be paid by the said lessee.

9. The lessee shall from the date of his lease be entitled to receive and collect all fees and dues sanctioned by these By-laws, as in Schedule "A" hereunto annexed, and shall not demand or receive any other fee than those therein specified.

10. The lessee shall provide and have placed at convenient places at the baths, at least two life-buoys, and ropes for the same, and keep the same constantly ready and fit for use.

11. The lessee shall cause to be affixed near the said baths a notice board setting forth in plain letters the name of the baths and the lessee, the scale of charges, and a table of the hours when the baths are open to the public.

12. The lessee shall be responsible for the maintenance of good order of persons using the baths, and shall remove therefrom any person causing a disturbance, riot, or being guilty of cursing or swearing, or behaving in an indecent manner.

13. Every person guilty of a breach of these By-laws shall be deemed guilty of an offence, and shall be liable to a fine of not less than one shilling nor more than ten pounds, to be recovered before any Court of Petty Sessions.

SCHEDULE A.

Fees to be paid to the Lessee of Public Baths.

	£	s.	d.
For every person bathing	0	0	3
To bathe at any time during the hours defined for a weekly ticket	0	1	0
To bathe at any time during the hours defined for a monthly ticket	0	3	0
To bathe at any time during the hours defined for a quarterly ticket	0	7	6
To bathe at any time during the hours defined for an annual ticket	1	7	0

GENERAL.

Any person who shall commit any breach of, or offend against any of these By-laws, where no penalty has been named, shall, for such breach or offence, forfeit and pay any sum not more than forty shillings, and the same may be recovered before any Justice of the Peace.

The seal of the Municipal District of Manly was affixed in our presence, this fourth day of November, 1889.

(L.S.) JOHN CAMERON,

Mayor.

THOS. CHAS. HAYLOCK,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF HILLSTON—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 4th February, 1890.

MUNICIPAL DISTRICT OF HILLSTON.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Hillston, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

By-laws of the Hillston Municipality.

THE following By-laws, made by the Municipal Council of Hillston, for regulating the proceedings of the Council; and the duties of the officers and the servants of such Council; for preserving order at meetings of said Council; for determining the times and modes of collecting and enforcing payment of rates; for suppression of nuisances; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling or skittle-alleys, and other places of amusement; compelling residents to keep their premises free from offensive or unwholesome matter, the killing of cattle and sale of butcher's meat, opening new public roads, streets, ways, and reserves; for protection of public fountains and water-courses; aligning and cleansing roads and streets; for regulating the supply and distribution of water, sewerage, and drainage; for preserving trees, shrubs, and other public property, to extirpate weeds; for preventing or regulating the bathing or washing the person in any public water near a public thoroughfare; for preserving public decency; for providing for the health of the Municipality, and for the prevention of contagious or infectious diseases; for restraining noisome trades; and generally for maintaining the good rule and government of the said Municipality.

PART I.

Meetings of the Council.

Ordinary Meetings.

1. The Council shall meet for the despatch of business at the hour of 7.30 p.m. every alternate Wednesday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor or the Council may appoint.

Election of Chairman in absence of Mayor.

Adjournment for want of a quorum.

2. If at any meeting of the Council the Mayor be absent, at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting,

to give place to the Mayor if he should arrive at any later hour during the meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and shall be recorded in the minute book.

Order of Business.

Business of ordinary meetings.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected, if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes except as to whether they are correct.
2. Correspondence to be read, and, if necessary, ordered upon.
3. Petitions (if any) to be presented and dealt with.
4. Reports from Committees and minutes from the Mayor (if any) to be presented and ordered upon.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council or any of its Committees or officers to be made.
6. Motions of which notices have been given to be dealt with in the order in which they stand on the business-paper.
7. Orders of the day to be disposed of as they stand on the business-paper, but it shall be competent to the Council at any time, by resolution without notice to entertain any particular motion or to deal with any particular matter of business out of its regular order on the business-paper, or without any formal suspension of this section; also in like manner to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business of special meetings.

4. At special meetings of the Council the business, after the minutes have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor or the Aldermen, at whose instance such special meeting shall have been called, may have directed.

Business-paper for ordinary meetings.

5. The business-paper for every meeting of the Council, other than a special meeting, shall be made up by the Town Clerk or other person acting as his substitute not less than forty-eight hours, and not more than three days before the day appointed for such meeting; he shall enter upon such business-paper a copy or the substance of every notice of motion, and of every requisition or order as to the business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter in due course of law and as hereinafter provided; every such entry shall be made subject to provisions of section 3 of this Part of these By-laws in the same order as such notice, requisition, or direction shall have been received.

Business-paper for special meetings.

6. The business-paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Summons to members.

7. The summons to members of the Council of every meeting thereof, shall be prepared from the business-paper for such meeting, and shall embody the substance of such business-paper.

How business-paper is to be disposed of.

8. The business-paper for each meeting of the Council, shall at such meeting be laid before the Mayor or Chairman, who shall cause a note to be made upon such business-paper of the mode in which each matter entered thereon has been dealt with, and such business-paper so noted shall be a record of the Council.

All notices of motion to be numbered.

9. All notices of motion and all requisitions from Aldermen, and directions from the Mayor, as to the entry of any particular matter of business for the consideration of the Council, at its then next or any further meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute-book of the manner in which such matter has been so disposed of shall have been duly verified, as required by section 3 of this Part of these By-laws; provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk, shall be at liberty to withdraw the same at any time before the making up of the business-paper.

After business-paper made up all notices, &c., to be the property of the Council.

10. After the business-paper shall have been made up as aforesaid, all the said notices of motion, requisitions, and directions, as to which entries have been made thereon, shall be property of the Council, and shall not be withdrawn, altered or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and amendments—motions, how to be moved.

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business-paper, and if not so moved or postponed shall be struck from such business-paper, and be considered to have lapsed.

Absence of proposed mover.

12. No motion of which notice shall have been entered on the business paper shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council shall have been made and seconded any alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed until it shall have been seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

17. If any amendment be carried, the question as amended thereby, shall itself become the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on; provided that not more than one question and one proposed amendment thereon shall be before the Council at any one time.

Motions for adjournment.

19. No discussion shall be permitted on any motion for adjournment of the Council, and if, upon the question being put on any such motion, the same being negatived, the subject then under consideration, or the next in order on the business or any other on such paper, they may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Requisitions from Aldermen, how to be dealt with.

20. Every requisition by an Alderman that any particular matter of business be brought before the Council shall be regarded and treated as a notice of motion by such Alderman that such business be taken into consideration by the Council, and he shall be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit in reference thereto, which shall be consistent with the notice of such business and with good order, and if such Alderman be absent, or if being present and so called upon, he shall make no such motion, then it shall be open for any other Alderman to make such motion; and when any such motion shall have been made it shall be dealt with in precisely the same manner as if notice thereof had been given subject, however, to any objection which may exist as to its not being in accordance with the notice actually given of such business or with good order. And if no motion shall be made in reference to such business, the entry relating thereto shall be struck from the business-paper.

Orders of day, of what they shall consist.

21. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any Committee shall have directed to be entered on the business-paper for consideration.

How they are to be dealt with.

22. Section 20 of this Part of these By-laws shall be considered applicable to orders of the day, and the Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move; provided that as to any order of the day entered as aforesaid by direction of the Mayor, or chairman, such Mayor may arrange with any Alderman to move, and may in such case call upon the Alderman with whom he has so arranged.

Petitions to be respectfully worded.

23. It shall be incumbent upon every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council; the nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions how received.

24. All petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

25. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition except that the same be received, or that it be received and referred to one of the Permanent Committees hereinafter mentioned, or that it be received and that its consideration stand an order of the day for some future meeting; provided however that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable be considered in order.

*Correspondence.**Duty of Mayor as to correspondence.*

26. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 23 of this part of these By-laws is imposed upon Aldermen presenting petitions; the Mayor shall direct as to order in which all correspondence shall be read and no letter addressed to the Council shall be presented or read by any Alderman. If the mayor be absent and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid then the duties imposed by the section shall devolve upon the presiding Aldermen.

Section 25 to apply to letters

27. Section 25 of this part of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petition.

Letters sent not to be discussed, but every letter may be subject of motion

28. No discussion shall be permitted in reference to any letters which may have been written and sent by the Mayor or by any officer of the Council, and copies of which may be read to such Council. Provided however that any matter of motion consistent with good order may be entertained with reference to any such letters whether read or not or with reference to any letters addressed to the Council which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

Reports from Committees and minutes from the Mayor—Form of Report.

29. All reports from Committees shall be written on foolscap paper with a margin of at least one fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or in his absence by some other member of the same.

Mayor's minute

30. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing. Every such minute shall be written on paper of the same kind, and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c, are to be dealt with —duties of Chairman, &c, in certain cases

31. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee, or a minute from the Mayor, except that the same be received, or that it be received, and that its consideration stand an order of the day for some future meeting; provided, however, that any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course; and whenever such report or minute embodies any recommendation which cannot legally be carried out without any due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or directions as aforesaid as will enable such Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Questions and Statements.

Limitations as to questions and statements

32. No question or statement shall be allowed to be put or made when inconsistent with good order or is not in strict accordance with the requirements of section 3 of this part of these By-laws.

Notice to be given

33. Sufficient notice of every question shall be given to the person who is expected to reply thereto to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answer not compulsory

34. It shall not be compulsory upon any person questioned as aforesaid to answer the questions so put to him.

Questions to be put without argument, &c

35. Every such question must be put categorically, without any argument, or statement, or fact.

Similar provision as to statements

36. Every such statement must be made without argument.

No discussion on questions, &c

Rights of objection and of subsequent motion reserved

37. No discussion shall be permitted as to any such questions, or as to any reply, refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply, or refusal to reply is given, or such statement is made. Provided, however, that nothing herein contained shall prevent the taking of any objection as to any question or statement being out of order, or shall prevent the discussion, as due notice as hereinbefore provided of any matters properly arising out of or relating to any such question or reply, or refusal to reply, or any such statement as aforesaid.

Order of debate

Mode of addressing the Council, &c

38. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the

Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity) and shall address himself to the Mayor or other Chairman then presiding. Provided that in the case of a question such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the reply thereto shall be subject to every legal objection on the ground of disorder or irrelevancy; and all members of the Council shall on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

39. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided; and any Alderman using, whilst in the Council, any offensive or insulting language, the same to be written down, and on being asked to withdraw; and if any Alderman shall refuse to withdraw such language, and apologise, he shall be deemed guilty of misconduct, and be liable to a fine of not less than twenty shillings, nor more than five pounds.

Limitation as to number of speeches, &c

40. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman other than the mover of such original motion, shall have a right to speak once upon such motion, and on every amendment thereon, no Alderman shall speak oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purposes of such explanation.

Mover and seconder

41. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon, but an Alderman who shall have seconded any such motion or amendment, without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c

42. No Alderman shall digress upon the subject under discussion, or shall make personal reflections on, or impute improper motives to any other Alderman.

Adjournment of debate

43. A debate may be adjourned to a later hour of the day, or to any other day specified, and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre audience on the resumption of the same.

Mayor to decide as to pre audience

44. If two or more Aldermen rise to speak at the one time, the Mayor or Chairman shall decide which of such Aldermen shall be heard first.

Alderman may require questions to be stated, &c, under certain restrictions

45. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible; provided, however, that no such request or requisition shall be so made as to interrupt any other Alderman when speaking, or materially to interrupt the discussion; also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made *bona fide*, it shall not be complied with.

Mayor or Chairman not to move or second motion, &c, but may address Council thereon.

46. The Mayor or Chairman shall not move or second any motion or amendment, or put any question, as provided for by section 4 of this part of these By-laws, except as is further provided for by the section 38 of the same; but such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order

47. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder

48. Every member of the Council who shall commit a breach of any section of this part of these By-laws, or who shall move or attempt to move any motion of amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any way raise or attempt any question, or shall address or attempt to address the Council

upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any other language, which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call member to order.

49. The Mayor or Chairman may without the interposition of any other member of the Council call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any member may raise question of order.

50. Every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation, moved, used, or made by any other member, which such first-mentioned member may consider out of order.

Mode of proceeding thereon.

51. A member called to order shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission, such member may explain, retract, or apologise for the matter or remark alleged to have been out of order; and if such explanation, retraction, or apology, be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member on being called to order, shall ask such permission to explain, retract, or apologise, as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission as he may think fit, unless any member shall require the sense of the Council to be taken on this question; in such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted; and when any such explanation, retraction, or apology is considered sufficient, if such permission be refused, or if such explanation, retraction, or apology be deemed insufficient, the question of order shall be considered and decided before any further business is decided upon: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be reopened; and provided further, that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order after the same shall have been discussed.

Decision on points of order.

52. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice, which he shall deem applicable to the case, without discussing or commenting upon the same.

Motions out of order to be rejected, members to explain, retract, or apologize, &c.

53. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be directed; and whenever anything said or done in Council by any Alderman, shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalties for persisting in disorderly conduct.

54. Any member of the Council who shall have been called to order, and who after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid when required to do so, or who shall be guilty of any other act of disorder as defined in section 48 of this part of these by-laws, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction of the first offence, to a penalty of not less than ten shillings nor more than five pounds; and on a second conviction for the like offence he shall be liable to a penalty of not less than one pound nor more than ten pounds, and on the third conviction and for every other conviction for the like offence he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council as to laying down general rules, &c.

55. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice may, by motion of notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar questions of order or practice which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties unless and until it be rescinded, but shall have no retroactive operation; provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which in his opinion is contrary to law.

Mode of Voting.

How questions are to be put.

56. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such question thereon, and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion of the majority.

Divisions—Penalty for refusing to vote.

57. Any Alderman shall be at liberty to call for a division; in such case the question shall be first put in the affirmative, and then in the negative; and the Aldermen shall vote by a show of hands, and the names and votes of the Aldermen present when a division is called for shall be recorded. Any Alderman who shall be present when a division is called for and shall not vote on such division (not being disabled by law from so voting) shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting—protest to be recorded, but may under certain circumstances be expunged.

58. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council. Notice in writing of the intention so to protest must, however, be given at the meeting when such resolution is passed or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute-book, but if in the opinion of the Council it be inconsistent with the truth or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Committees of the whole Council.

Rules applicable to business in Committee.

59. The following section of this part of these By-laws shall (except as herein excepted) be taken to apply to the conduct of business in Committee of the whole Council, namely, sections 14 (except that it shall not be necessary that any motion or amendment in Committee shall be seconded) 15, 16, 17, 18, 38, 39, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, and 57.

Disorderly Conduct in Committees.

Refusal to vote.

60. Whenever any member of the Council shall, while the Council is in Committee of the whole, be considered guilty of an offence against good order within the meaning of section 54 of this part of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting and that such matter be reported; and if such motion be carried such matter shall be reported accordingly, and an entry of such report shall be made in the minute book; and whenever any Alderman shall have refused to vote on any occasion in Committee of the whole Council, as required by section 56, of this part of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute-book. Provided that in the case of an Alderman failing to vote as aforesaid no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the whole, in making his report of the proceedings of such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which Alderman has so failed to vote.

Decisions in Council on Points of Order may be reported.

61. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council under the provision of section 47 of this part of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee, and if such motion be carried such decision shall be so embodied in such report whenever the same shall be made.

How progress may be reported, &c.

62. Any Alderman may at any time during the sitting of a Committee of the whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day, or that no leave be asked to sit again; and if any such motion be carried the Council shall resume its sittings, and a report be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived the subject then under consideration shall be discussed before another motion shall be receivable.

Report of proceedings in Committee.—Want of quorum in Committee.

63. All reports of proceedings in Committee of the whole Council shall be made to the Council *viva voce* by the Chairman of such Committee, and the report of such proceedings shall be made in every case except when it will be found on counting the number of members during the sitting of any such Council that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Council shall be considered to have lapsed; provided that in making of any such report as aforesaid it shall not be necessary to report any such proceedings *in extenso*, but only to state the results, general effect, or substance of such proceedings.

How reports are to be dealt with.

64. Any such report of proceedings in Committee of the whole Council shall be recorded in the minute-book, but except as hereinafter mentioned no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of such leave as aforesaid, and the order of debate on such motion, shall be subject to all the same rules as other motions in Council and the order of debate on such motions; provided however that where a report shall have been made under section 60 of this part of these By-laws of disorderly conduct in Committee, under section 57 of this part of these By-laws, of failure to vote on division, or of any division in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof, and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How calls may be ordered.

65. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Such calls compulsory in certain cases.

66. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion which may be made under section 55 of this part of these By-laws and of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

67. The call shall be made immediately before the motion or business for which such call has been ordered or is required to be made by the last preceding section shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called, and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have been previously granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record of such excuse shall be made and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

68. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent and not so excused shall fail to show that by reason of extreme illness or any other sufficient reason, he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than five shillings nor more than one pound: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration, and the provisions herein as to penalties for absence shall have reference to such further call; and if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

Standing Committee.

69. There shall be three Standing Committees, namely: a By-law Committee, a Committee for Works, and a Finance Committee. These Committees shall be reappointed every year at the first meeting of the Council, which shall be holden after the election of Mayor.

70. Each Standing Committee shall consist of three members.

Mode of reappointment of the three Standing Committees.

71. The reappointment of the three Standing Committees may, on resolution of the Council, be made by ballot. In such case a list or lists of the members shall be handed to each then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong; and the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result; and if there shall be an equal number of votes for the appointment of any two or more members to any one of such committees, such Mayor or Chairman shall decide which of such members shall be appointed.

By-law Committee.

72. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required for the good government of the Municipality. They shall also watch over the administration of the By-laws and of any statute of which the operation has been or may be extended to the Municipality; and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or Statutes, and for the preservation of public health, order, and decency.

Committee of Works.

73. The Committee of Works shall have the general directions of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the control and management of the Council. They shall also inquire and report from time to time as to such improvements and repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

74. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or be likely to affect the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Special Committees.

75. Special Committees may consist of any number of members, and may be appointed for the performance of any duties which may be lawfully entrusted to a committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed; and no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, such members then present shall receive a list of all the members of the Council from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list and shall declare the result; and in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

76. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Term of service in Committee.

77. Appointments to the By-law Committee, the Committee of Works, and the Finance Committee shall be for the whole municipal year; the Chairman of these three Committees, as appointed to or removed from the chairmanship of the same, shall be thereby, and without any further order, regarded as having been appointed to or removed from the Committee for general purposes. The appointment of every special committee shall be considered to endure until the duties for which Committee has been appointed shall have been fully performed; provided however, that nothing herein contained shall be held to effect in any way the right of such Committee, to remove any Chairman of such Committee, or to appoint another such Chairman in his stead; or to militate against the general provisions as to Committee in sections 109 and 110 of the Municipalities Act of 1867; and that so much of this By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Committee meeting—how called.

78. The Council Clerk shall call a meeting of any Committee when requested to do so by the Chairman, or any two members of such Committee.

Records of transactions in Committee.

79. The Chairman of each Standing Committee shall make or cause to be made in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in urgent matters, cost of all work to be estimated before undertaken

80. With the exception of urgent matters, hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have first been ascertained by the Council.

Urgent matters and necessary current expenses—Expenses authorized to be reported—outlay to be in accordance with orders of the Council

81. For urgent matters and for necessary current expenses, during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

- (1) By order of the Committee for Works, or of the Mayor, and one member of such Committee, for repairs or emergent works, to the extent of £5.
- (2) By order of the Mayor and any two Aldermen, or without the Mayor, of any four Aldermen, for any urgent purpose, to the extent of £5
- (3) By order of the Mayor for necessary current expenses, to the extent of £2.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting, such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized; also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction of functions of the Council; and that no outlay involving a disobedience or evasion of any order or resolution of such Council, shall on any pretence be thus authorized.

All claims to be examined and reported upon by the Finance Committee.

82. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim—Salaries and wages to be payable on Mayor's order—Certificates to be attached to reports.

83. No payment shall be ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into; it shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reason of its non-fulfilment before recommending payment; provided also that in cases of special expenditure under section 80 of this part of these By-laws the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate; and provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amounts due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount will be a sufficient authorization for such payment; and such certificates, memoranda, and authorizations shall be attached respectively to the reports from the Finance Committee on the payments or outlays to which such certificates, memoranda, or authorizations have reference.

*Common seal and records of Council.**Common seal and press, how secured—Care of same*

84. The common seal and the press to which the same is attached, shall be secured by a cover or box which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor, and the other by the Council Clerk.

How and when common seal to be used.

85. The common seal shall not be attached to any document without an express order from the Council; in every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of accounts are to be kept and inspected

86. The Treasurer shall keep such books of account, and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct; it shall be the duty of the Finance Committee to inspect all such books of accounts, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined—Provisions for proper keeping of the same.

87. The minute-book, letter-book, and all rate and assessment books, books of accounts, records, statements, and memoranda of receipt and expenditure, electoral rolls and other records relating to elections, business papers, reports from Committees, minutes from the Mayor, petitions, letters, or municipal business addressed to the Council or to the Mayor, or to any officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council shall be deemed records of the Council; all such records other than the minute-book and other books, and other than electoral rolls and other records relating to elections shall be numbered, and filed in due order, and shall be duly registered by the Council Clerk, in a book to be kept by him for that purpose. Upon the face of every document thus registered to which there is any reference in the minute-book there shall be a note of the page wherein it is so referred to, and when any order has been made by the Council, or a report has been brought up by any Committee thereof in reference to any document so registered as aforesaid, a note of such order or report shall be made upon the document. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect, or appearance of inefficiency which they may discover in the keeping of such records.

Impression of seal not to be taken, &c., without leave of the Council—Penalties.

88. No member or officer of the Council shall be at liberty to take an impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction, for the first offence to a penalty of not less than five shillings nor more than two pounds; for the second offence to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence, to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be moved, &c.—Penalties—Exceptional circumstances—Receipt to be given in every case before document received—Proviso as to use of records as matters of evidence.

89. Any person removing any such book or other record of the Council as aforesaid from the Council Chamber, or the place where, by direction of the Council, such book or other records is usually kept, without leave for such removal having been first obtained by such Council, or without other lawful cause for such removal as hereinafter provided; shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record as aforesaid, and shall not have returned same, to prosecution for stealing such book or record, or to an action at law for detention of same, as the circumstances of the case may warrant: Provided that leave for temporary removal of a book or other record may be granted to the Town Clerk or the Treasurer by the Mayor, in order that such Clerk or Treasurer may post up entries, prepare returns, or perform any other duty which it may be necessary that he or they should perform; also, that the Mayor or Chairman of any Committee, or any Alderman acting for such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purpose of any prosecution or suit at law, by, against, or at the instance of the Council, but in all cases such Clerk, Treasurer, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be carefully preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed; and provided also that the Mayor, Town Clerk, or other officer of the Council who may be subpoenaed to produce any book or other record of the Council in a court of law shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return book or record as speedily as may be, and shall before removing the same leave at the Council Chamber a receipt for such book or other record of the Council as aforesaid, and shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

90. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

Notice to Candidates.

91. No appointment to any permanent office at the disposal of the Council shall take place until notice shall have been given as hereinafter provided, inviting applications from qualified candidates for the same. The salary or allowance attached to the office shall in every case be fixed before such advertisement is published, and shall be stated in such advertisement.

Mode of appointment.

92. Every such appointment shall be made by ballot in such mode as may at the time be determined upon, whenever there is more than one candidate for such permanent office.

Exceptional cases.

93. Nothing herein contained shall be held to prevent the employment, as may from time to time be found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

Bonds of good conduct.

94. All bonds given by officers or servants of the Council for the faithful performance of their duties, shall be deposited with the Attorney or the Bankers of the Corporation, as the Council may order; and no officer or servant of the Council or any member of the Council shall be received as surety for any other such officer or servant.

Duties of Town Clerk.

95. The Town Clerk, in addition to the duties which by the "Municipalities Act of 1867," or by the present or any other By-law thereunder he may be required to perform, shall be the clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act; he shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council; he shall likewise have charge of all the records of such Council, except such books or documents as may as hereinafter provided, be entrusted to any other officer, and shall be responsible for the safe keeping of such records; he shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor; he shall be required to give security in the sum of double the amount of his salary.

Duties of Treasurer.

96. The Treasurer shall have charge of such books of account and other records of the Council as are mentioned in section 86 of these By-laws, and shall be responsible for the safe keeping of such records.

Duties of other officers and servants.

97. The duties of all officers and servants of the Corporation, other than the Council Clerk and Treasurer, shall be defined by such regulations as may from time to time, and in accordance with law, be made by the Council.

Special power of Mayor.

98. The Mayor shall exercise a general supervision over all officers and servants of the Council, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record as hereinafter provided; or, unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded; all such explanation or information may, except as hereinafter provided, be either rendered *viva voce*, or put into writing, as the Mayor may direct.

How complaints against officers, &c., are to be dealt with.

99. All complaints against officers or servants of the corporation must be in writing, and must in every case be signed by the person or persons complaining, and no notice whatever will be taken of any complaint which is not in writing or is anonymous; all such complaints may be addressed to the Mayor, who immediately upon the receipt of such complaint, and without laying the same before the Council, shall have power to investigate the same; and if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be in any way (other than by such reference) ordered upon or dealt with by such Council: Provided that every report, explanation, and information, which may be made or rendered in reference to every such complaint shall be in writing, and such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and the

Mayor's statement as aforesaid thereon shall be laid before the Council at the next meeting thereof which shall be held after the Mayor shall have made such statement, and shall be duly recorded: Provided further that nothing herein contained shall be held to affect in any way the special power conferred on the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is or hereafter may be conferred by statute upon such Mayor.

Miscellaneous.

Leave of absence.

100. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by resolution of the Council, adopted after due notice.

By-laws, draft of, to lie in office seven days, &c.

101. A draft of every intended by-law shall lie in the office of the Council for at least seven days before such draft is taken into consideration by the Council, and shall be open to the inspection of every ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

Motions for rescission of previous orders.

102. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed by-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council, with suggested amendments of the same, or the passage after due notice as hereinafter provided, and in due course of law of any by-law for the repeal or amendment of any other by-law.

Lapsed business.

103. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present the resumption of such consideration may be ordered by resolution of the Council after due notice, and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties.

104. Such suits or information for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any by-law made thereunder, or of any statute the operation of which may have been extended to the Municipality as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council, or an Auditor, or any officer of the Council, by the Town Clerk, unless he shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose, when against any other person, by the officer to whom the carrying out of the statutory provision or by-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or by the By-law Committee, or by the Mayor, as the case may be, on directing such suit or information as aforesaid; and no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor except by order of such Council, nor shall any similar proceeding be taken against any officer of the Council except by order of such Council or of the Mayor, nor against any other person except upon the order of the Council, or of the Mayor, or of the By-law Committee; and no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on express resolution of the Council, in any case where the bringing of such suit or laying of such information will be adverse to any previous direction of such Council, or where on the trial or hearing of any such suit or information may on the order of the Council be entrusted to an attorney.

Mode of proceeding in cases not provided for.

105. In all cases not herein provided for resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend temporarily any portion of these By-laws.

106. Any of the foregoing By-laws which relate to or affect the proceedings at meetings of the Council may be suspended *pro tempore* with notice in cases of emergency, if all the members of the Council then present shall deem suspension necessary.

PART II.

Collection and enforcement of rates.

Rates when due and payable.

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall, by resolution, from time to time appoint.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Special Rates.

3. All rates levied or imposed by the Council under sections 165, 166, and 167 of the Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned in the said sections, shall be collected in such manner and shall be held to be due and payable on and after such day or days as the Council may by resolution at the time of making or imposing such rates, or any of them, have appointed.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to issue distress warrants against all such persons, and to cause such warrants to be enforced, or to cause such defaulters to be sued for the amount of such rates in a Court of competent jurisdiction.

Bailliff—How appointed.

5. The bailliff of the Municipality shall be appointed by the Council, and may from time to time be removed by the said Council.

Enforcement by distress bailliff.

6. A bailliff shall, when found necessary, be appointed by the Mayor.

Bailliff's sureties.

7. The bailliff shall find two sureties to the satisfaction of the Mayor, to the extent of twenty-five pounds each, for the faithful performance of his duties.

Duty of bailliff.

8. It shall be the duty of the bailliff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who, for the time being, may be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. It shall be lawful for the bailliff or his deputy, and such assistants as he or they may take with them, to enter into any part of the land, building tenement, or other property in respect of which such rate or rates shall have been made as aforesaid, and to distrain therein or thereon, and to remain in such building or other property in charge thereof. And if the sum for which any distress shall have been made or taken, together with the costs of such restraint, shall not have been paid on or before the expiration of three clear days, the bailliff or his deputy may, between the hours of 11 in the morning and 2 in the afternoon on the next day thereafter, cause the goods so distrained or a sufficient portion thereof to be sold by public auction, either on the premises or at such other place within the Municipality as the bailliff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for and the cost of such distraint, to the owner of such goods so sold on demand by such owner.

Inventory of goods seized to be delivered to ratepayer.

11. At the time of making a distress the bailliff shall make out a written inventory in the form of Schedule B, hereto which inventory shall be delivered to the occupant of the land or premises, or the owners of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the bailliff shall give a copy of the inventory to the ratepayer on demand at any time within one month after making such distress.

Goods may be impounded.

12. The bailliff on making a distress as aforesaid may impound or otherwise secure the goods or chattels so distrained, of what nature or kind whatever, in such place or places or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of three days, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale

13. The owner of any goods or chattels so distrained upon may, at his or her option, direct, and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The bailliff shall hand over to the Town Clerk all proceeds of every such distress within twenty-four hours after having received the same.

Bailliff's fees.

15. There shall be payable to the bailliff for the use of the Council for every levy and distress made under this By-law the costs and charges in Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipal District of Hillston, do hereby authorize you _____, the Bailliff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____ for _____, being the amount of rates due to the said Municipality to the _____ day of _____, for the said dwelling-house (or land or premises as the case may be), and to proceed for the recovery of the said rates according to law.

Dated this _____ day of _____ 18 ____ Mayor.

SCHEDULE B.

I have this day in virtue of the warrant under the hand of the Mayor of the Municipal District of Hillston, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Municipality, for _____, being the amount of rates due to the said Municipality to the _____ day of _____, 18 ____.

Dated this _____ day of _____, 18 ____ Bailliff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For every warrant and making levy where the sum is not more than £20	2	0
Above that sum in addition to every £1.....	0	1
For making and furnishing copy of inventory	2	0
For man in possession each day or part of a day.....	5	0
For sale, delivery, and commission of goods per £ on proceeds of sale	1	0

PART III.

Preventing and extinguishing Fires.

Fire or combustible materials, &c.

1. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises, fire, gunpowder, or other combustible or inflammable materials of any kind, in such a manner as to endanger any buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than ten pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or inflammable materials to remain as aforesaid for a period of twelve hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

2. Every person who shall wilfully set fire to any inflammable matter whatsoever in the open air, within five yards of any dwelling-house or other building, or boundary, or dividing fence within the said Municipality, without having given notice in writing to the occupier of the land adjoining to the land upon which such matter shall be of his intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds.

Lighting bonfires.

3. Any person who shall light any bonfire, tar-barrel, or firework upon or within sixty yards, or shall discharge any firearms within one hundred yards of any public or private street or any public place, or shall sell gunpowder, squibs, rockets, or other combustible matter by gas, candle, or artificial light, shall forfeit a sum of not exceeding five pounds.

Setting on fire chimney flues.

4. Every person who wilfully sets or causes to be set on fire any chimney flue, smoke vent, or stove pipe, shall forfeit a sum not exceeding five pounds.

Chimneys catching fire by neglect.

5. If any chimney accidentally catch or be on fire the person occupying or using any premises in which such chimney is situated, shall forfeit a sum not exceeding twenty pounds. Provided always that such forfeiture shall not be enforced if such person prove to the satisfaction of the Justices before whom the case is heard that such fire was in no way owing to the neglect or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

6. Any person throwing hot ashes or live coals nearer to any buildings or fences than 25 feet, shall be liable to a penalty not exceeding five pounds nor less than one pound.

PART IV.

Streets and Public Places.

Public health and decency, &c.—New roads to be reported on.

1. No new public road, street, way, reserve, or other place proposed to be dedicated to the public, shall be taken under the care and management of the Council until after such road, street, way, or reserve, shall have been examined by the Committee of Works, and reported upon to the Council by such Committee.

Plans of proposed new roads to be delivered to the Council,

2. When any proprietor or proprietors of land within the Municipality shall open any road, street, or way, or lay out any park, or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, reserve, or other place, he or they shall furnish the Council with a plan or plans, signed by himself or themselves, showing clearly the position and extent of such road, street, way reserve, or other place as aforesaid.

Dedication of new roads.

3. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid, shall be preserved as a record or records of the Council; and the proprietors or proprietor aforesaid shall execute such further instrument dedicating such road, way, reserve or other place to public use or recreation as aforesaid, as may be considered necessary by the Committee of Works, and such instrument of dedication shall also be preserved as a record of the Council.

Committee for Works to fix street levels.

4. The Committee for Works, or any officer or person acting under the supervision of such committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways, within the Municipality, and the carriage and footways thereof, and it shall be the duty of such committee, officer, or person, to place posts at the corners of intersections of any such roads and streets whenever the same may be considered necessary or desirable by the Council: provided that there shall be no change of level in any public road, street, or way, until the same shall have been submitted to and adopted by the Council as hereinafter directed.

Change of street levels.

5. Whenever it may be deemed necessary to alter the level of any public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cutting, to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is so open for inspection, and no objection thereto shall be entertained by the Council unless made within twenty-one days after such notice shall have been given. At a subsequent meeting of the Council, the said plan and section, if adopted, shall be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Noxious Weeds.

6. Any person appointed by the Council may enter upon any land within the said Municipality, and for that purpose may break open gates or take down or remove fences to extirpate the weed known as the Bathurst burr. Provided always that if any gate be broken or fences removed, the same shall, immediately after the work then required to be done, be restored to their former condition as nearly as may be, and the expense of extirpating such weeds and restoring such fences may be recovered as an ordinary debt from the owner or occupier of such lands. Any person hindering or obstructing any person so appointed as aforesaid, shall for every such offence be liable to a penalty of two pounds. All owners or occupiers of property within this Municipality shall remove and burn Bathurst burr upon lands owned, rented, or occupied by them; and any owner, tenant, or occupier neglecting to comply with this By-law after fourteen days' notice from any officer of the said Municipality requiring him to remove and burn such weeds as aforesaid, shall be liable to a penalty of not less than one pound and not exceeding five pounds.

No turf, gravel, &c., to be removed from street without permission.

7. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or any other material, or any road-scrappings or sweepings, in or from any part of the carriage or footways of any street or any other public place within the Municipality without leave first had and obtained for that purpose from the Municipality, or who shall wantonly break up or otherwise damage any such carriage or footway, shall, on conviction, pay and forfeit for every such offence, any sum not exceeding five pounds nor less than one pound; and every person

who shall have or make any cellar or any opening, door, or window, in or beneath the surface of the footway, or any street or public place within the said Municipality, without the consent of the Council, shall, on conviction, forfeit and pay the sum of five pounds, over and above the expenses of filling up, remedying, or removing such cellar, opening, door, or window.

Holes to be enclosed.

8. Any person or persons who shall dig or make or cause to be made or dug any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Municipality for the purpose of making any vault or vaults, or the foundation or foundations to any house or buildings, or for any other purpose whatever, or shall erect or pull down building, and shall not forthwith enclose the same, and keep the same enclosed in a good and sufficient manner to the satisfaction of the Committee of Works of the said Municipality, or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of such Committee, and shall not place lights upon each side of the said enclosure, and keep the same continually burning, from sunset to sunrise, during the continued existence of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than two pounds nor exceeding five pounds.

Open spaces and steps adjoining footways to be enclosed under a penalty.

9. Every owner or occupier of any house, building, or premises, or land within the said Municipality, having any entrance, area, garden, or other open space, or any vacant building lot, water-hole, or excavated space adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, to be previously approved of by the Works Committee or any officer whose special duty it shall be to attend to such work, so as to prevent danger to persons passing and repassing, and every such owner or occupier of any such house, building, or premises, or land having any steps adjoining the footway of any such street or public place shall in like manner protect and guard the same fences, rails, or other enclosure, so as to prevent the like danger in persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he or she shall be convicted of such offence, forfeit and pay a sum not less than two pounds nor more than five pounds; and every such owner or occupier as aforesaid who shall fail to erect such fences or other enclosures as aforesaid, after fourteen days' notice from the Council or any duly qualified officer, shall be deemed guilty of a further offence against this By-law.

Penalty for not covering over wells.

10. Every person who shall have a well situated between his or her dwelling house or the appurtenances thereof and any road, street, or footway within the limits of the said Municipality shall cause such well to be securely and permanently covered over; and if any person, having such well as aforesaid, shall fail to cover over and secure the same within twenty-four hours after notice shall have been given in writing to him or her by any officer of the said Council, or shall have been left for any such person at his or her usual or last-known place of abode, or on the said premises, shall, on conviction, forfeit and pay a sum of ten shillings, and for every day after such notice that such well should remain so uncovered, contrary to the provisions hereinbefore made and provided, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs.

11. The Committee for Works, or any officer or person acting under the authority of such Committee or of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c., &c.

12. Any person who shall haul or draw timber, or cause to be hauled or drawn upon any part of any street or public place within the said Municipality any timber, stone, or other thing otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such vehicle or barrow so as to obstruct or occupy the street beyond the breadth of the said vehicle or barrow, shall, upon conviction, forfeit and pay for every such offence a sum not more than two pounds nor less than five shillings over and above the damage occasioned thereby.

Driving on footpaths and throwing filth thereon.

13. Any person who shall cast, lay, or throw, or shall cause, permit, or suffer to be thrown, cast, or laid or to remain, any ashes, rubbish, offal, dung, soil, dead animals, blood, or other filth and annoyance, or any matter or thing in or upon the carriageway or footway of any street or public place in the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, or other animal, in or so near to any street or public place as that any blood or filth shall run or flow upon or cover or be on any or either of any such carriage or footways, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street or public place any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, handbarrow, or truck, or any hogshead, cask, or barrel, or shall wilfully drive, ride, or lead any horse, ass, mule, or other beast upon any such footway, shall, upon conviction thereof, forfeit and pay for the first offence a sum not exceeding two pounds nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound, for each such offence.

Placing goods, carriages, &c., on footways, not removing same when required—replacing same after removal—awnings to be exempted.

14. Any person who shall set or place, or cause or permit to be set or placed, any stall, board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed any pipe, barrel, cask, or vessel, in or upon or over any carriage or footway in any street or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage, upon any such carriageway except for the necessary time of loading and unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage—or if any person who shall set or place, or cause to be set or placed in or upon or over any such carriage or footway any timber, stone, bricks, lime, or other material or things for building whatsoever (unless the same shall be enclosed as herein directed), or any such matter or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatever, from any house or other building or premises, or any other matter or thing, from and on the outside of the front or any other part of any other house or other buildings or premises over or next unto any such street or public place, and shall not immediately remove all or any such matters or things being thereto required by the Inspector of Nuisances or other proper officer of the Council; or if any person who, having in pursuance of any such requisition as aforesaid, remove, or cause to be removed any such stall board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, handbarrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid) in, upon, or over such carriage or footway, of or next unto any such street or public place as aforesaid, shall, upon conviction for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house, in such manner as that such awning shall be at least 7 feet high above the height of the footway, and that the posts be placed close to the kerbstone or outer edge of such footway, and a plan of such awning submitted to the Council prior to its erection and approved of by such Council or any officer duly appointed for the purpose.

Riding on drays—careless driving, &c.

15. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse or driven or guided with reins only excepted), or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses, or cattle drawing the same, or if the driver of any waggon, cart, dray, coach, or other carriage whatsoever meeting any other carriage, shall not keep his waggon, cart, dray, coach, or other carriage on the left or near side of the road, street, or thoroughfare, or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every driver or person so offending shall, upon conviction, forfeit and pay any sum not exceeding two pounds.

PART V.

Nuisances.

1. Any person who shall within the boundaries of the Municipality, cast any filth, rubbish, sewerage, water, suds, or any dead animal, or any animal with intent to drown same into the Lachlan River, or any lagoon, billabong, or water-course flowing therein, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into such river, lagoon, billabong, or water-course, either by drains, pipes, shoots, channels, or other contrivances, shall forfeit for the first offence any sum not exceeding twenty-five pounds nor less than five pounds, and for a second offence any sum not exceeding fifty pounds nor less than ten pounds.

Dead animals—mode of removal.

2. If any animal shall die in any part of the said Municipality, and the owner of such animal or occupier of the place, if private property where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the Municipality, he shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than two pounds.

Dead animals, or bogged animals in Lachlan River.

3. If any horse, bull, cow, bullock, sheep, goat, pig, or other animal become bogged or drowned in the Lachlan River, or any water-course flowing therein within the Municipality, the owner or person in charge of such animal shall immediately remove such animal from out of such river or water-course, and if the same be dead shall effectually destroy such animal, and if the owner or person in charge of such animal shall neglect so to do within twelve hours after receiving notice of such animal being bogged or drowned, such owner or person in charge shall forfeit any sum not exceeding twenty-five pounds nor less than two pounds.

Animals on private premises.

4. The Inspector of Nuisances or any other officer appointed by the Council of the said Municipality with his assistant may, at any hour, enter upon any premises or place within the said Municipality where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and if necessary to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the said Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for anyone or more of such officers to cause such animal to be removed for that purpose, and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition shall forfeit and pay any sum not exceeding ten pounds or less than two pounds.

Dead animals in certain cases to be removed at cost of the Municipality.

5. If any animal should die in any public place or street within the said Municipality, and the owner or any person having charge of such animal cannot at the time be found or ascertained, it shall immediately be removed by the Inspector of Nuisances or other officer appointed by the said Council, and destroyed in the manner aforesaid at the cost of the Municipality. Provided that the expenses incurred shall be a charge upon the owner when discovered, and may be recovered from him as a debt due to the Council.

Drains.

6. All drains whatsoever and the water-closets, earth-closets, privies, cesspools, and ashpits, within the Municipality shall be constructed so as not to be a nuisance or injurious to health, and so that there shall be no overflow, soakage, or leakage therefrom; and every cesspool within the said Municipality, which shall be formed or made below the surface of the ground shall be also so constructed so as that the water-tight walls or sides thereof shall project on all sides at least 6 inches above the surface of the ground in which such cesspools shall be formed or made.

Cleansing of privies and cesspits.

7. The occupier of any house, building, or tenement within the Municipality shall cause every privy, cesspool, therein to be emptied and cleansed from time to time as soon as any portion of the contents of such cesspool shall have so accumulated therein, as to be within a distance of 1 foot from the top of the walls sides, or lining, of such cesspool; provided that the contents of such privy shall not be removed or discharged therefrom, except between the hours of 11 p.m. and 5 a.m., and provided also that the contents of any privy or cesspool shall not be removed or discharged therefrom until such contents shall have been mixed there with a quantity of chloride of lime, zinc, carbolic acid, common salt, or some other efficient deodorizer sufficient to effectually deodorize and disinfect the same.

Where cesspools are not provided.

8. The occupier of every house, building, or other tenement on or in which the privy or closet belonging thereto shall not be provided with a cesspool, constructed in accordance with the provisions of the preceding By-law, shall at all times cause to

be kept in such privy or closet a supply of dry powdered earth or other deodorizing material as aforesaid, sufficient to thoroughly and effectually deodorize the contents of such bucket, pan, or other receptacle.

Erection of new closets.

9. Every person about to erect a closet or form a cesspit, shall, before commencing any such work, give to the Town Clerk seven days' notice, in writing, of his intention, and of the proposed position of such closet or cesspit, and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty of not less than one pound or more than five pounds; and no such closet shall be erected, or cesspit formed, except in such position as shall be approved by the Inspector of Nuisances, or other officer appointed by the Council, and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

Every tenement to have closet.

10. A separate closet shall be provided for every tenement, and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

Objectionable closets to be altered.

11. If any alteration shall be required in the opinion of the Inspector of Nuisances, or any officer of the Council appointed in that behalf, for preserving public health or decency, in the case of any existing cesspit or closet, the Inspector of Nuisances or other officer of the Council shall report the same to the Council, and if the Council shall adjudge such cesspit or closet to be injurious to health or opposed to decency, the same shall be altered by the occupier or owner of the premises upon which such cesspit or closet exists, after due notice has been served upon such owner or occupier; and should such owner or occupier neglect or refuse to alter the same, the Inspector of Nuisances or other officer appointed by the Council, shall forthwith make the necessary alterations, and the cost of the same shall be paid by the owner or occupier of the premises wherein the same shall be.

Power to inspect any premises by Inspector of Nuisances.

12. The Inspector or other officer appointed by the Council may visit and inspect any premises or do any work authorized by the Nuisances Prevention Act, 1875, therein in all days except Sundays and public holidays, between the hours of 10 in the morning and 4 o'clock in the afternoon.

Prohibition of use of night-soil.

13. No person shall be at liberty without the permission of the Council or Inspector of Nuisances, or other officer of the Council appointed on that behalf, to use on his own premises any night-soil brought from elsewhere; and any person committing a breach of this By-law shall be liable to a penalty of not less than two pounds nor more than ten pounds.

Burial of night-soil.

14. Every person shall be at liberty to use on his own premises all night-soil collected thereon, by burying the same at least two feet in the earth; but if any nuisance shall arise therefrom, he shall be liable to a penalty of not less than one pound and not more than five pounds.

Inspector of Nuisances report.

15. It shall be the duty of the Inspector of Nuisances to furnish to the Council, with a report, every three months, containing a list of persons proceeded against for nuisances within this Municipality, specifying the dates, and giving particulars of each case.

Cost of emptying cesspits, &c.

16. The Council may, after due application, recover such sums for the emptying of cesspits or attendance on earth-closets at such rates as may from time to time be decided upon and fixed by the Council to be charged in respect of such services.

Maximum and Minimum penalties where not otherwise provided for.

17. In any case where no special penalty is fixed in these By-laws for any breach of the same, the maximum penalty for any such breach shall be twenty pounds, and the minimum one pound, unless otherwise provided for by the "Nuisances Prevention Act, 1875."

Cleansing butchers' shambles, &c.

18. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or any other officer or officers appointed by the Council, from time to time, and when and as often as he or either of them shall see occasion to visit and inspect the butchers' shambles, slaughtering-houses, boiling-down establishments, tanneries, fellmongeries, soap-works, and wool-washing establishments in the said Municipality, and to give such directions concerning the cleansing of such shambles, slaughter-houses, tanneries, soap-works, and wool-washing

establishments, both within and without, as to him shall seem needful; and any butcher or the owner or occupier of any such shamble, slaughter-house, tannery, soap-works, or wool-washing establishments who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Complaints respecting dirty premises, &c.

19. Upon the complaint of any householder, that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the Council, shall make an inspection of the premises complained of, and the officer of the said Council shall have the full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally or by any person in his employment, or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspit to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

20. Every person who in any street or public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passenger, shall commit any of the following offences shall, on conviction for any and every such offence, forfeit and pay a penalty of not more than two pounds.

- (1.) Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from an opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcass or any part of the carcass of any newly slaughtered animal, without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butchers' meat for sale without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the footpath to the danger or annoyance of any person.
- (4.) Every person who shall place any flower-pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.
- (5.) Every person who shall throw or cast from the roof or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure) when any house or building is being erected, pulled down, or repaired.
- (6.) Every blacksmith, whitesmith, anchor-smith, nail-maker, metal-founder, limeburner, brickmaker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, or not fastening the shutters or other fastenings of such window and closing such aperture, or placing a screen before the same every evening within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.
- (7.) Every person who shall within the distance of one hundred yards from any dwelling-house burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant.
- (8.) Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or public footway.
- (9.) Every person who shall be the keeper of, or have any dog or other animal, which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.
- (10.) Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in or within forty yards of any street or public place within the Municipality, or shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of the like nature, belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street or public place within the Municipality shall forfeit and pay for every such offence a sum not exceeding two pounds, and to be made liable for damages.

Premises in state to endanger public health.—House to be purified on certificate of one medical practitioner.

21. If, upon the certificate of any duly qualified medical practitioner, it appear to the Council that any house or part thereof, or the premises occupied in connection therewith within the limits of the said Municipality, is in such a filthy state or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the white-washing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith would tend to prevent or check infectious or contagious disease, the said Council would give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse, or purify the same as the case may require; and if the person to whom the notice is so given shall fail to comply therewith within such time as will be specified in the said notice, he should be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Offences against public decency.

Bathing prohibited within certain limits.

22. Any person who shall bathe near to, or within view of, any inhabited house or of any public wharf, bridge, street, road, or other place of public resort within the limits of the said Municipality, between the hours of six in the morning and eight in the evening, shall, on conviction, forfeit and pay a sum not exceeding one pound for every such offence.

Noisome and offensive trades.

No noisome or offensive trades to be carried on to the injury of any inhabitants.

23. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or to be a nuisance, as hereinafter stated, to the inhabitants thereof.

Definition of "noisome and offensive trades."

24. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection wherewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, or smoke, shall be calculated to injure animal or vegetable life, or in any other way to be a nuisance to the inhabitants of the said Municipality, shall be considered a noisome and offensive trade within the meaning of these By-laws.

Complaint, injury, and report—Order of Council taken thereon—Notice to discontinue, &c.—Penalty.

25. Upon complaint, in writing, by any householder, that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, so as to injure his or her health, or the health of any member of his or her family, or to be a nuisance to such householder, and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the Council; and if the said Council shall, on consideration of such report, or after any further inquiry as may be deemed necessary, be of the opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a "noisome and offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade, to cease and discontinue the same within reasonable time, not being less than thirty days, nor more than sixty days, as the said Council may direct; or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the Municipality, and if such trade be not discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall, for the first offence, forfeit and pay a sum not less than two pounds or more than five pounds; for a second offence a sum of not less than five pounds, nor more than twenty pounds; and for the third and every subsequent offence a sum not less than ten pounds, nor more than fifty pounds.

Mode of proceeding when noisome and offensive trade is about to be commenced—Penalty.

26. The like proceedings shall be taken as aforesaid, whenever there shall be complaint as aforesaid that any manufacture, trade, calling, or profession, is about to be commenced or entered upon which is likely to prove noisome and offensive within the

meaning of these By-laws, save and except the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or profession, and shall require him, her, or them, not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming noisome or offensive, within the meaning of these By-laws, to any resident within the Municipality; and any person who shall in any case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way noisome or offensive within the meaning of these By-laws, shall, for every such offence, forfeit and pay a sum of not less than ten pounds, nor more than fifty pounds.

Service of notice—Liabilities.

27. Service of any such notice as aforesaid upon the owner or occupier of any premises or land, wherein or whereupon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last-named place of abode of such owner or occupier, or upon any person of the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws; and every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation within the meaning and for all the purposes of these By-laws.

PART VI.

Public Exhibitions.

Exhibitions, &c., to be licensed.

1. No exhibition other than exhibitions licensed by the Colonial Secretary, under the provisions of the Act 14th Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the said Municipality, nor shall any bowling-alley, dancing saloon, or other place of public amusement, other than a place licensed as aforesaid, or a place of temporary amusement hereinafter specially provided for, to be used as such for hire or profit within the said Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor—Penalty for exhibiting, &c., without license.

2. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act) and which shall not be held or kept for more than one week, and in like manner to allow any place within the said Municipality to be used for purposes of public amusement other than entertainments requiring to be licensed as aforesaid, for not more than one week; provided that it shall be incumbent on such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality, every person holding or keeping any such exhibition or using any place within the said Municipality for public amusement as aforesaid, or causing or permitting any place to be so used without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings or more than two pounds, for every day that such exhibition shall be so held or kept, or such place shall be so used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council, such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid, in or upon such building or ground, and the name of such occupier; and every person who causes every such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week, in or on any such building or land, not being registered for the purpose, or without such certificate of registration as hereinafter mentioned, having been obtained for the same, shall forfeit for every such offence any sum not less than one pound or more than twenty pounds.

Certificates of registration.

4. The Council, upon the written application of any such occupier as aforesaid, stating the particulars as aforesaid, and if upon inspection by the proper officer, the building or land shall have been found to be secure and proper for the purpose stated; and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or to be a nuisance to any inhabitant of the said Municipality, the said Council shall cause the aforesaid premises to be registered in a registry book to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises, and the said Council may at any time, and for any of the causes hereafter mentioned, suspend for a stated period the effect or cause of any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land, and during such suspension and after cancellation of such premises, shall be deemed to be unregistered in respect to the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council may at all reasonable times enter into or upon, and inspect any such registered building or land.

No exhibition, &c., on Sundays, &c.

6. No such exhibition or place of public amusement as aforesaid, shall be held or kept open or used for the purposes of such public amusements, on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf, shall, on conviction forfeit and pay a sum not exceeding five pounds, nor less than two pounds for every such offence.

Registration fee—Time for which registration shall be in force.

7. For every such registration as aforesaid, the occupier of the building or land so registered, shall pay to the Council Clerk, for the benefit of the said Municipality, a fee of £1; and every such registration, whenever the same may be made, shall be in force until the 31st day of December then next ensuing and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein, and no other.

8. The certificate of registration aforesaid shall be regarded as a license from the Council for the holding or keeping of the exhibition, or for carrying on of the public amusement therein mentioned, but for none other; any occupier of such building or land who shall hold or keep therein or thereon any exhibition, or shall use any building or land for any public amusement other than such exhibition or amusement mentioned in such certificate or license, shall for every such offence forfeit and pay a sum not less than ten shillings nor more than ten pounds.

Unlawful games and exhibitions.

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any games with dice or other games of chance for money, or any bull baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality, or involving cruelty to animals, or likely to cause any breach of the peace are proposed to be had or carried on, and the occupier of any building or land so registered as aforesaid, who shall permit any such game of chance, or exhibition or amusement as are in the section before-mentioned to be had, held, or carried on, in, or upon such building, shall for every such offence forfeit and pay a sum not less than ten shillings nor more than ten pounds.

Suspension or revocation of license—Notice to be given and licensee to be allowed to show cause.

10. The effect of any registration as aforesaid may be suspended, or such registration may be cancelled, as the Council may think fit, for any of the following causes, namely:—Whenever the occupier of the registered building or land or the manager of any such exhibition or amusement as aforesaid, held, kept, conducted, or carried on, in or upon such building or land shall have been twice convicted of offences against these By-laws within a period of twelve months, or whenever it shall be shown to the satisfaction of the said Council that the superintendent, manager, director, or other person in charge of any such exhibition or amusement, is a confirmed drunkard, or that such exhibition or amusement is being conducted in such manner as to violate public decency, to endanger the public peace or to become a nuisance to any inhabitant of the said Municipality: Provided that before any such suspension or cancellation as aforesaid, the occupier of such registered building or land shall have notice of the fact that the said Council is about to consider whether there shall be any such suspension or cancellation, and of the causes of this proceeding, and shall be allowed to show cause against such suspension or cancellation before the same shall be ordered.

Construction of term "occupier"—Change in occupancy—False statement.

11. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition or public amusement as aforesaid, in or upon any such building or land as aforesaid, or who shall reside in or upon any such building or land, wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on, or who, being the owner, lessee, or tenant of any such building or land, shall permit the same to be used for the purposes of any such exhibition or public amusement, shall be deemed the occupier of such building or land for all the purposes of these By-laws; and the said By-laws shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every such occupier whose name shall have been so registered as aforesaid shall be deemed and taken to be, and continue to be such occupier for all the purposes of the By-laws: Provided that in the event of any change in the occupancy of any such building or ground as aforesaid it shall be competent for the parties concerned to notify the same by writing under their hand to the said Council Clerk, who shall lay such notification before the Council at its next sitting; and if after such inquiry, as such Council may deem necessary, there shall seem to be no valid objection to such change of occupancy, a corresponding entry shall be made in the registry aforesaid, and a new certificate shall be issued, which shall be in force until the next ensuing thirty-first day of December, and no longer; and for every such new certificate a fee of 5s. shall be paid to the said Council Clerk for the benefit of the said Municipality, and any person who shall make any false statement in any such application or notice as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall for every such offence forfeit and pay any sum not less than one pound nor more than twenty pounds.

Wilful trespass.

12. Every person who shall wilfully let in or knowingly suffer to enter upon the reserves or public recreation ground any animals without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

13. Any person pulling down, defacing, or injuring any marks, survey pegs, alignment posts, or any fence or other erection without the authority of the Council, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound

Lights for carts.

14. The driver of every cart, buggy, and every other vehicle, which shall, during the hours after sunset of any day, and before sunrise of the following day, be in any public place or street within the said Municipality, shall keep a light attached to or suspended from the off or right side of such cart, so as to be plainly visible to the driver of any carriage proceeding along or through such place or street in a contrary direction to that in which such first-mentioned cart shall be directed, and in the case of a nightcart only such light shall be such and be so disposed as to appear white in front and red at the outer side, and every driver who shall fail to comply with this section shall forfeit a sum not exceeding two pounds.

Made and passed by the Hillston Municipal Council, this fourth day of September, in the year of our Lord one thousand eight hundred and eighty-nine.

(L.S.) J. M. FULLARTON,
Mayor.
JOHN GORDON,
Council Clerk.

At a special meeting of the Hillston Municipal Council, held on the 23rd day of October, 1889, By-law 2 of Part III, as originally made and passed, was rescinded, and the By-law written on the opposite page substituted in lieu thereof Amendments were also made to By-laws 4 and 5 of Part II, as altered, and to By-law 10 of Part V as altered.

The above alterations and amendments were made and passed by the Hillston Municipal Council this twenty-third day of October, in the year one thousand eight hundred and eighty-nine.
(L.S.) J. M. FULLARTON,
Mayor.
JOHN GORDON,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

* (BOROUGH OF WATERLOO.—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 15th April, 1890.

BOROUGH OF WATERLOO.—BY-LAWS.

THE undermentioned By-laws, made by the Council of the Borough of Waterloo, under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the provisions of the above-cited Acts.

HENRY PARKES.

BOROUGH OF WATERLOO.

BY-LAWS of the Borough of Waterloo, made under the Municipalities Act of 1867 and the Nuisances Prevention Act, 1875, respectively.

PART I.

By-laws repealed.

All existing By-laws of the Council of the Borough of Waterloo (save and except the By-laws relating to the Free Public Library) are hereby repealed.

Proceedings of the Council and Committees.—Preservation of order at Council Meetings.—Meetings of the Council.—Ordinary Meetings.

1. The Council shall meet for the despatch of business on every alternate Thursday, at the hour of half-past seven p.m., or not later than eight p.m., or on such other day and at such hour as may by resolution of the Council be from time to time appointed.

Election of Chairman in absence of Mayor.—Adjournment for want of a quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of twenty minutes after the time appointed for the holding of such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for the want of a quorum, the names of the members then present shall be taken down and recorded in the minute-book.

Order of business.

3. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of last meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Outward correspondence to be read.
3. Inward correspondence to be read, and, if necessary, ordered upon.
4. Presentation of Petitions.
5. Statement of accounts, showing the moneys received and paid since last meeting, with the balance in the bank to the credit of the Municipality.

6. Reports from Committees and minutes from the Mayor to be presented and ordered upon.

7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.

8. Orders of the day.

9. Such other business as may lawfully be brought before the Council.

Business may be dealt with out of regular order.

4. It shall be competent for the Council at any time by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section.

Motions and amendments.

5. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from such business paper, and be considered to have lapsed.

Motions not to be withdrawn without consent.

6. No notice of motion which has been seconded shall be withdrawn, without the consent of the majority of the Aldermen then present at such meeting.

Absence of proposed mover.

7. No motion of which notice shall have been entered on the business paper shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given; but it shall be competent for some other Alderman producing a written authority for that purpose from such first-named Alderman, to move such motion on his behalf.

Motions to be seconded.

8. No motion shall be discussed unless and until it be seconded.

Amendments may be moved.

9. When a motion shall have been moved and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless it be seconded.

Only one Amendment at a time.

10. No second or subsequent amendment shall be taken into consideration until the previous one has been disposed of.

Petitions.

Petitions to be respectfully worded.

11. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council; the nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received and dealt with.

12. The Council at any meeting may resolve that any petition be received, and that the same be referred to a committee for report, or that the requests therein contained be granted.

Mayor or Chairman's decision on points of order final.

13. Every point of order shall be taken into consideration immediately upon its arising and the decision of the Mayor or Chairman thereon shall be conclusive, except as hereinafter provided.

Power of Council as to laying down general rules.

14. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman may move that the meeting disagree with the ruling of the Mayor or Chairman. If it be seconded it shall then be put without discussion; but no vote so taken shall have bearing upon any matter other than the one in question.

Questions put by Mayor or Chairman.

15. The Mayor or Chairman shall put all questions, first in the affirmative and then in the negative (provided that where an amendment is moved to any motion, the amendment shall be first put), and may do so as often as may be necessary to enable him to determine the sense of the Council thereon, and thereupon he shall declare his decision, which shall be final, unless a division be called for.

Mayor to decide as to precedence of Aldermen.

16. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of them is entitled to precedence.

No Alderman to speak twice on same question or amendment—except in Committee.

17. No Alderman shall speak twice on the same question, unless in Committee, or in explanation where he shall have been misunderstood or misrepresented. Provided that any Alderman, although having previously spoken, may speak once on every amendment, and that the mover of every question shall have a right of final reply.

No Alderman to make personal reflections.

18. No Alderman shall digress from the matter under discussion, or make personal reflections or impute motives to any other Alderman.

No Alderman to speak more than ten minutes.

19. No Alderman shall speak upon any motion or amendment for a longer period than ten minutes, without the consent of the Council.

Alderman to stand while speaking.

20. Every Alderman shall stand while speaking, and shall address the Chair.

Alderman using offensive expressions to apologise.

21. When any member of the Council shall make use of any language or expression offensive to any Alderman, the member so offending shall be required to withdraw such language or expression, and to make an apology satisfactory to the Council.

Debate may be adjourned.

22. A debate may be adjourned to a later hour of the same day, or to any other day.

Alderman adjourning debate entitled to precedence on resumption.

23. The Alderman upon whose motion any debate shall be adjourned shall be entitled to precedence on the resumption of the debate.

Adjournments.

24. Any motion for adjournment, if seconded, shall be immediately put without discussion, but if such motion be negatived it shall not be competent for any Alderman to make a similar motion until thirty minutes have elapsed.

Divisions.

25. It shall be competent for any Alderman to divide the Council upon any question put from the Chair, either in full Council, or in Committee of the whole Council, and upon such division those who are on the affirmative side shall place themselves on the Mayor or presiding Alderman's right hand, and those on the negative side shall place themselves on the left, and no Alderman shall leave his place until the names of the Aldermen present, and how voting shall have been taken down by the Council Clerk or person officiating for him.

Divisions to be entered in the Minute-book.

26. All divisions of the Council shall be entered in the minutes of the proceedings.

Motions for Rescission of previous Orders, &c.

27. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion, to the same effect, shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion. Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been remitted to the Governor for confirmation and may have been remitted to the Council, with suggested amendments of the same, or the passage after due notice as hereinbefore provided and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed Business.

28. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not being present the resumption of such consideration shall, in such case, be resumed at the next meeting at the point where it was so interrupted as aforesaid.

Suspension of By-laws.

29. Any By-law relating to or affecting proceedings at meetings of Council may, by resolution of the Council, be suspended pro tempore in cases of emergency.

Standing and Special Committees.

Standing Committees.

30. There shall be a Committee of Works, a Finance Committee, a By-laws Committee, a Library Committee, a Lighting Committee, a House Committee, and a Sanitary Committee. These Committees shall be reappointed every year at the first meeting of the Council which shall be holden after the election of the Mayor.

Chairman of Committees.

31. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee within seven days after their appointment.

Works Committee.

32. The Works Committee shall have the general care of all roads, ways, bridges, public reserves, and other places under the care and management of the Council; they shall also inquire into and report from time to time upon such improvements, repairs or other matters as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Finance Committee.

33. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues; they shall inquire and report from time to time as to all matters which they may consider to affect the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire into and report upon.

By-law Committee.

34. The By-laws Committee shall prepare and submit for the consideration of Council drafts of all such By-laws as may be required for the good government of the Municipality.

Library Committee.

35. The Library Committee shall have the general control of the Public Library, and shall once at least in each year submit to the Council a written report upon the same as to its efficacy, usefulness, and the manner in which it is conducted; and may also recommend the purchase of additional books, or any other matter or thing which they may consider will be of benefit.

Lighting Committee.

36. The Lighting Committee shall once at least in each year make an inspection of the Borough, and shall recommend the erection of any additional public lamps which they may consider necessary, or the removal of any existing lamps.

House Committee.

37. The House Committee shall have charge of the Council Chambers, hall, and premises, and shall prepare a tariff of charges for the use of the hall; and shall also recommend in writing any repairs, alterations, and additions which they may consider necessary.

Special Committees.

38. The appointment of Special Committees shall continue until the specific duty for which they shall have been appointed shall have been discharged, provided that such Committees may at any time be dissolved by vote of the Council.

Reports of Committees to be in writing, and signed.

39. Every Report of a Committee must be in writing, and signed by the Chairman thereof.

Records of transactions in Committee.

40. The Chairman of each Committee shall make or cause to be made, in a book kept by him for that purpose, memoranda of all transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Committee meeting—how called.

41. The Council Clerk shall call a meeting of any Committee, when requested by the Chairman or any two members of such Committee.

Mode of proceeding in cases not provided for.

42. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

PART II.

Protection of funds and records.—Duties of officers and servants

Expenditure.

1. No work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council, excepting in the cases hereinafter provided for, viz. :—

1. By order of the Committee for Works or of the Mayor, and one member of such Committee, for repairs or emergent works to the extent of ten pounds.
2. By order of the Mayor for necessary current expenses, to the extent of five pounds.

Certificate required with each Claim.

2. No payments shall be so ordered unless there shall be a certificate or memorandum from the Finance Committee, showing that the demand is a legitimate one, and has been duly authorized.

Member or Officer of Council not to be surety.

3. In cases where security is required by the Municipalities Act, it shall not be competent for the Council to accept as surety any of their members, or any person holding office under the Council.

Custody of records, seal, &c.

4. The common seal and all charters, deeds, muniments, books, papers, and records of the Council, shall be kept in the Council Chambers or office of the Council, in the custody of the Council Clerk, unless the Council shall otherwise order for any purpose, and the common seal shall not be used without the express authority of the Council; and every impression thereof so authorized, shall be verified by the signatures of the Mayor and Council Clerk.

Duties of Council Clerk.

5. The Council Clerk shall attend at the office of the Council, at the Town Hall, for the purpose of receiving payment of rates, &c., and transacting the ordinary business of the Council (public holidays excepted) during the following hours, viz. :— On Monday, Wednesday, and Friday, from 9 a.m. to 12 noon, 1 to 3 p.m., and 7.30 to 9 p.m.; Saturday, 9 a.m. to 1 p.m. The Council Clerk, in addition to the duties which, by the Municipalities Act of 1867, or by the present or any other By-laws, thereunder, he may be required to perform, shall be the Clerk of the Revision Court held in the Borough under the provisions of the Municipalities Act. He shall, also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council, and shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Duties of other Officers and Servants.

6. The duties of all officers and servants of the Council shall be defined by regulations as may from time to time be moved by the Council.

Bonds for good conduct.

7. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the Attorney or Bankers of the Corporation as the Council may order.

Complaints against Officers—how dealt with.

8. All complaints against officers or servants of the Corporation must be in writing, and must, in every case, be signed by the person or persons complaining, and no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same and report thereon at the next meeting of the Council, or he may, if necessary, suspend such officer or servant till the Council shall have dealt with the charge.

Special powers of Mayor.

9. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is on record (as hereinbefore

provided), or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded, all such explanations or informations may, except as hereinafter provided, be either *viva voce*, or put into writing as the Mayor may direct.

Statement of Accounts.

10. Not later than the months of March and September in each year, the Mayor shall lay before the Council for its adoption, the Treasurer's account for the previous half-year duly audited.

Leave of absence.

11. No leave of absence shall be granted to the Mayor or to any Alderman, otherwise than by a resolution of the Council adopted after due notice.

Mode of calling for tenders.

12. Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such works or the supply of such materials, shall be called for by public notice as hereinafter provided.

How notices are to be published.

13. Except where otherwise provided by the Municipalities Act of 1867, in all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Municipality.

PART III.

Levying rates, &c.

Collection and enforcement of rates.

1. All rates levied or imposed by the Council under sections 164, 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may by resolution at the time of making or imposing such rates or any of them have appointed.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers, during the hours appointed by the Council for that purpose.

Defaulters.

3. Every person not paying his or her rates as aforesaid, within the time so appointed, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce payment of all rates in default, either by action at law, or by issuing warrants of distress upon the goods and chattels of the defaulters.

Enforcement by distress.

5. The Bailiff shall be appointed by resolution of the Council, and shall find two sureties to the satisfaction of the Council for the faithful performance of his duties, and it shall be the duty of the Bailiff to make all levies for rates, by distress in the manner hereinafter provided.

Warrant of distress.

6. All levies and distress shall be made under warrant, in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman, who may for the time being, be duly authorized to perform the duties of that office.

Distress and sale, &c.

7. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days the bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction either on the premises or at such other place within the Borough as the said bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs as hereinafter provided to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

Goods may be impounded.

8. At the time of making a distress, the bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where

the distress shall be made, and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the said land or premises on which the distress is made, and the bailiff shall give a copy of the inventory to the ratepayer on demand at any time within one month after the making of such distress, and also may impound or otherwise secure the goods or chattels so distrained in such place, as is most convenient for that purpose.

9. There shall be payable to the bailiff for the use of the Council for every levy and distress made under this By-law, the costs and charges in the Schedule hereto annexed and marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Borough of Waterloo, do hereby authorize you, _____, bailiff of the said Borough, to distrain the goods and chattels in the dwelling house [or in and upon the land and premises] of _____ situate at _____ for the sum of _____ being the amount of municipal rates due to the said Borough for the said house [or land and premises] to the day of _____ 18 _____

Bailiff.

SCHEDULE B.

Inventory.

I have this day, in virtue of a warrant under the hand of the Mayor of the Borough of Waterloo, dated the _____, distrained the following goods and chattels in the dwelling house [or in and upon the land and premises] of _____ situate at _____ within the said Borough, for the sum of _____ being the amount of rates due to the said Borough for the said house [or land and premises] to the _____ day of _____ 18 _____.

—Dated this _____

Bailiff.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant, and making levy where the same is not more than £20	2	0
Above that sum, in addition for every £10	1	0
For making and furnishing copy of inventory	2	0
For man in possession, each day or part of day	5	0
For sale, commission, and delivery goods, per £ on proceeds of sale	1	0

PART IV.

Preventing and Extinguishing Fires.

Burning shavings, &c., in the streets.

1. Any person who shall burn any shavings, rubbish, or any other matter or thing in any road, street, lane, or public place within the said Borough, or who shall within ten yards of any dwelling house, burn rags, bones, corks, or other offensive substance, shall forfeit and pay for every such offence a sum not exceeding two pounds, nor less than ten shillings.

Fireworks, &c.

2. Every person who shall light any bonfire, tar-barrel, or fireworks upon or within ten yards of any public or private street or any public place, or shall discharge any firearms without lawful cause within the Borough, shall forfeit and pay any sum not exceeding two pounds, nor less than ten shillings.

Fires in yards.

3. Any person having or lighting any open or other fire in any yard or premises so close to the neighbouring premises as to be a nuisance or dangerous thereto, shall be liable to a penalty not exceeding two pounds, nor less than ten shillings.

PART V.

Streets and public places, &c.

New roads to be reported upon.

1. No new public road, street, way, park or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council, until after such road, street, way, park, or other place shall have been examined by a Committee for Works, and reported upon to the Council by such Committee, and the Council shall have decided to take the charge and management of such road, street, way, park, or other place.

Plans of proposed new road, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Borough shall open any road, street, or way, or lay out any park or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, park, or other place, he or they shall furnish the Council with a plan or plans signed by himself or themselves showing clearly the position and extent of such road, street, way, park, or other place as aforesaid, and he or they shall execute any instrument dedicating such road, street, way, park, or other place which the Council may consider necessary.

Roads and streets, levels, &c.

3. The Surveyor of the Borough, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof which now are, or shall be hereafter, under or subject to the control, construction, care, or management of the Council; in marking out such roads, streets, lanes and thoroughfares recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let; and it shall be the duty of such Surveyor or officer to place posts at the corners or intersections of such roads, streets, lanes and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footway on each side, when the road, street, lane, or thoroughfare shall be 66 feet wide and in proportion, and in the discretion of the Council in any such road, street, lane, or thoroughfare, or other public place of other than 66 feet; provided there shall be no change of level in any such public road, street, lane, or thoroughfare, or other public place until the same shall have been submitted to and adopted by the Council as hereinafter provided. Provided further that this By-law shall be read subject in all respects to the Width of Streets and Lanes Act of 1881.

Change of street levels.

4. Whenever it may be deemed necessary to alter the level of any public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section, showing the proposed alteration to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Borough, that such plan is open to inspection; at a subsequent meeting of the Council, the said plan and section, shall, if adopted be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk, and such plan and section so signed and countersigned shall be a record of the Council.

Footways may be levelled, &c.

5. When any footway shall have been marked out in the manner hereinbefore directed, the Surveyor or such officer or persons so authorized as hereinbefore mentioned, with the consent of the Council, may cause the same to be levelled, and made as nearly practicable of equal height, and breadth, and with an equal slope and inclination; and for this purpose may remove any flagging, steps, or other matter, or thing that may injure or obstruct the said footway, or render it unequal or inconvenient, and which now is or may be hereafter erected or placed on the space marked out for any of the said footways.

No encroachments allowed on street, &c.

6. Whenever any road, street, or lane has been marked out in manner hereinbefore provided, no house, shop, fence, or other structure, shall except as hereinafter mentioned, be allowed to project or encroach on any part thereof, and it shall not be lawful for any person to erect or put up any building, erection, obstruction, fence or enclosure, or to make any excavation, hole or opening in, under, upon, or near to any such road, street, lane, or thoroughfare unless the consent of the Council or Mayor has been obtained for the purpose, and every person offending against this By-law, shall forfeit and pay any sum not exceeding five pounds, nor less than two pounds.

No balcony to project.

7. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any person to construct, erect, or place any awning, balcony, verandah, portico, or window forming part of, or attached to, any external wall, projecting beyond the building line of any street, or road except with the consent of the Council first obtained, nor shall any awning, balcony, verandah, portico, window, or other external projection as aforesaid be constructed, erected, placed or added to any existing building, excepting with such consent as aforesaid—any person or persons who shall so construct, erect, place, or add the same, shall forfeit and pay any sum not exceeding ten pounds nor less than three pounds for every such offence. Provided that no such balcony, verandah, awning, portico, shall be permitted to be erected in any street less than thirty

feet wide. Provided also that any person desiring to erect any such structure as aforesaid, shall first submit a plan for the approval of the Council.

Obstructing public pathways.

8. If the owner or occupier of any land situate on the side of any street or road in the Borough shall permit any tree, shrub, or plant, to overhang any footpath or footway on the side of any such road or street as aforesaid, and on demand made by the Inspector of Nuisances or other officer shall not cut or lop all such trees shrubs or plants to the height of nine feet at the least, the Council or their servants may cut or lop the same, without being deemed trespassers, and the costs of so cutting or lopping shall be charged to the owner or occupier as hereinbefore mentioned.

Hoards or fences to be erected.

9. Every person intending to build or take down any building within the Borough or to cause the same to be done, or to alter or repair the outward part of any building or to cause the same to be done, when any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be erected (and the same to be whitewashed) in order to separate the building where such works are being carried on from the street, and also to erect a convenient covered platform (7 feet in height and one-third ($\frac{1}{3}$) the width of the footway, with handrail) if there be room enough for such, outside of such hoard or fence, for the convenience of foot passengers, and shall continue such hoard or fence and platform as aforesaid in good condition, to the satisfaction of the Inspector of Nuisances or other officer of the Council of the said Borough, during such time as the safety of the public or convenience requires, and shall in all cases cause the same to be sufficiently lighted during the night, or who shall not remove the same when such building is completed as aforesaid, when directed by the Inspector of Nuisances or other officer, within a reasonable time afterwards, shall forfeit and pay a penalty not exceeding forty shillings nor less than ten shillings for every such day default is continued.

Temporary stoppage of traffic for repairs, &c.

10. The Council may at any time, cause the traffic of any street, lane, or thoroughfare, or any portion thereof to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person who shall travel on such street, lane, or thoroughfare, or remove or destroy any obstruction that may be placed thereon, for the purpose of suspending the traffic, shall forfeit and pay a penalty not exceeding two pounds nor less than one pound for every such offence.

PART VI.

Offences, Nuisances.—General good order of the Borough.

Damaging public buildings, &c.

1. Any person who shall damage any public building, wall, parapet, sluice, bridge, road, street, footway, sewer, water-course, or other property of the Municipality, shall pay the costs of repairing the same, and if the same be wilfully done, shall also forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Injuring or extinguishing lamps.

2. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Borough shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence a sum of not more than two pounds nor less than one pound.

Driving or riding on footway.

3. Any person who shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any footway, any waggon, omnibus, cart, dray, stage, bicycle, carriage, wheelbarrow, truck, cask, or vehicle, or shall lead, drive, ride, or place any horse, cattle, or other beast upon any footway, shall forfeit and pay a penalty not exceeding two pounds nor less than ten shillings for every such offence.

Riding or driving round corners.

4. Any person who shall ride or drive round the corner of any street, road, or lane within this Borough at a pace faster than a walk, shall on conviction forfeit and pay a sum not exceeding one pound nor less than ten shillings.

Drawing or trailing timber, &c.

5. If any person shall haul or draw or cause to be hauled or drawn upon any part of any street, road, or public place, any timber, stone, or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing, which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such carriage so as to occupy and obstruct the street or road beyond the breadth of such carriage, every person so offending shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings, as well as the amount of the damage occasioned thereby: Provided that such penalty and damages shall not exceed the sum of fifty pounds.

As to persons riding or driving improperly through streets, &c.

6. Any person who shall ride or drive through any road, street, or lane in the said Borough, negligently, carelessly, or furiously, or so as to endanger the life or limb of any person, or to the common danger of the passengers, shall forfeit and pay for every such offence a sum not exceeding one pound nor less than ten shillings.

Loading or unloading vehicles, &c.

7. All vehicles standing in the streets or lanes to load or unload goods, shall stand with one wheel only in the gutter, and parallel with the kerb, and any driver so offending shall forfeit and pay any sum not exceeding two pounds nor less than ten shillings for every such offence.

Name and place of abode.

8. The owner of every such waggon, cart, dray, or vehicle of any kind as hereinbefore mentioned, who shall allow the same to be drawn or driven through the Borough without having his or her name or place of abode or residence painted in full length, legibly, on the off side of the said vehicle, and any driver or person in charge of any such waggon, cart, or vehicle as aforesaid, who shall refuse to give his or name, or the owner's name and address, shall forfeit and pay for every such offence a sum not exceeding three pounds nor less than one pound.

No turf, gravel, sand, &c., to be removed from streets.

9. Any person who from any part of the roads, streets, thoroughfares, or public places within the Borough, shall remove or cause to be removed any turf, clay, sand, or other material, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any part of the said roads, streets, thoroughfares, or public places, shall on conviction forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Plumbers, &c., to give notice and pay fee for permission to open roadway, &c.

10. Every plumber or other person desiring to open the roadway or pathway for the purpose of laying down pipes for water or drainage shall give notice to the Council Clerk or other Officer of the Council before commencing such work, and shall also pay the sum of two shillings and sixpence for such permission before opening such roadway or pathway, and shall replace the same in good order to the satisfaction of the Council's Officer; and any person or persons neglecting to comply with the provisions of this By-law shall be liable to a penalty not exceeding three pounds nor less than one pound for every such offence.

Registration fee—erection of houses, &c.

11. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place, within the Borough, without having first paid into the office of the Council Clerk a registration fee of five shillings for each and every house, shop, or other building so proposed to be erected, and describing the nature and situation of the proposed building as aforesaid, and every contractor for such house, shop, or building, or any part thereof, commencing to build or work thereon without having first paid the aforesaid registration fee, and describing the nature and situation of such building, shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Placing goods, &c., on roadway, &c.

12. If any person shall set or place, or cause or permit to be set or placed, any stall, show-board, basket or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, washed, or cleansed, any cask, vessel, carriage, cart, or any other kind of vehicle, in or upon or over any road, footway, or public place within the Borough, or shall set out, lay, or place, or shall cause or procure, or permit to be set out, laid, or placed, any coach, cart, dray, barrow, truck, or other carriage, upon any footway, or if any persons shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or foot ways, any timber, stone, bricks, lime, or other materials for building whatsoever (unless the same shall be enclosed as hereinbefore directed) or any matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed any meat or offal, or other thing whatsoever, from any house or premises over any part of such footways or carriage ways, or over any area of any house or premises, over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Council or any officer thereof, and shall not continue to keep the same so removed; or if any person having in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall, showboard, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, bricks, lime, meat, offal, or other matter or thing, and shall at any time thereafter again set, lay, or place, expose, or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same or any of them, or any other article or thing whatsoever (save and except as aforesaid), in, upon, or over any of the carriage or foot ways of or next

unto any streets or roads as aforesaid; in every case every person so offending shall forfeit and pay any sum not exceeding three pounds nor less than one pound for every such offence.

Affixing placards on walls, &c.

13. If any person shall paste or cause to be pasted or otherwise affix any placard or other paper, or chalk, or paint upon any wall, fence, culvert, kerbstone, pathway, handrail, or any other property of the Council, shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Persons not to stand or loiter in the streets.

14. All persons standing or loitering upon any of the carriage or footways, or other public places within the Borough, to the inconvenience of passers by, or in any way interrupting the traffic, who shall not discontinue to do so on being required by any officer or servant of the Council of the said Borough, or by any police officer, shall be liable to a penalty not exceeding three pounds nor less than ten shillings for every such offence.

Swine, cattle, &c., not to wander about streets.

15. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure situate and being in or within four hundred yards of any street or dwelling-house, or other public place within the Borough, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or her, or under his or her charge, to stray or to go about, or to be tethered or depastured in any street, road, or public place within the Borough, shall forfeit and pay for every such offence a sum not exceeding one pound nor less than five shillings. Provided that after due inquiry shall have been made, and the owner thereof cannot be discovered, it shall be lawful for the said Council, or any officer thereof, to destroy any swine or goats so straying and injuring property of any description.

Entrance to cellars, &c., to be covered.

16. If the owner or occupier of any premises, having any rails or bars over the areas or openings to any kitchen or cellars, or other part of the said premises beneath the surface of the footway of any streets or public places, or having any doorway or entrance into the casement or cellar-story thereof, shall not either keep the same, or the rails of such kitchen, cellars, or other parts in sufficient and good repair, or constantly keep the same securely guarded by rails, or cover the same over with a strong flap or trap-door, according to the nature of the case, and so as to prevent danger to persons passing and repassing, or if any such owner or occupier shall leave open, or not sufficiently nor substantially keep covered and secured, any coal or other hole, funnel, trap-door, or cellar-flap belonging to or connected with his premises, save and except only during reasonable time for use, alteration, or repair, or if such owner or occupier shall not repair, and from time to time keep in good and substantial repair, all and every or any such rails, guard-rails, flaps, trap-doors, and other covering, then and in every such case the person neglecting so to do shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Cellars or openings beneath footways prohibited.

17. It shall not be lawful for any person to make any cellar, or any opening, door, or window, in or beneath the surface of the footway of any road, street, or public place within the Borough; and if any person shall so offend he shall forfeit and pay any sum not exceeding five pounds, over and above the expense of remedying or removing any such cellar, opening, door, or window, such expense to be assessed and allowed by the convicting Justice or Justices of the Peace.

Excavations, &c., to be protected by fence or wall.

18. It shall not be lawful for any person to make any quarry, excavation, or opening in the ground on any property adjoining or near to any public road or footpath, within the limits of the Borough, until the owner or occupier of the said property shall have erected a good substantial fence or wall, at the least 4 feet high around such parts of the said property as adjoin such public road or footpath; and any person neglecting or refusing to enclose any premises upon which any such quarry or excavation shall be made, shall forfeit and pay for every such offence a sum not exceeding five pounds nor less than two pounds; and all existing quarries, excavations, or precipices situated in the Borough shall be closed and protected in the manner aforesaid, within one week after due notice to that effect shall have been given by the Council or Inspector of Nuisances; and in the event of failure or neglect of the owner or occupier of any such last-mentioned property to enclose the same after notice as aforesaid, such persons so offending shall be subject to the penalty aforesaid.

Offensive or indecent placards.

19. Any person who shall in any street or place within the Borough, post, expose to view, or distribute any placard, handbill, or other document whatever of an offensive or indecent character, shall be liable to a penalty not exceeding five pounds nor less than one pound.

Throwing dead animals, &c., into any watercourse.

20. Any person who shall throw or cast any filth, rubbish, or any dead animal into any street, lane, or public place, or any animal, with intent to drown the same, into any drain, gutter, watercourse, waterhole, creek, or canal; or who shall permit or suffer slops, suds, night-soil, sewerage, or other offensive fluid or matter or filth of any kind to flow or be cast from his or her premises into any such drain, gutter, watercourse, waterhole, creek, or canal; or who shall cast, permit, suffer, or cause any such slops, suds, nightsoil, or offensive fluid or matter or filth to flow from his or her premises into, over, or upon any of the footways, streets, lanes, or other public places within the Borough; or who shall permit or cause, by means of drains, pipes, shoots, channels, or other contrivances, night-soil, sewerage, slops, suds, offensive fluid, or matter or filth of any kind whatsoever, to flow or be cast in or upon any gutter, watercourse, waterhole, creek, or canal; or who shall obstruct or divert from its channel any drain, gutter, sewer, watercourse, creek, or canal, shall forfeit and pay any sum not exceeding five pounds nor less than one pound, and shall, in addition to such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such drain, gutter, watercourse, sewer, creek, or canal into its proper channel.

Throwing filth, &c., on roadway.

21. If any person shall in any street, road, lane, or public place, throw, cast, lay, or bury, or shall cause, permit, or suffer to be thrown, cast, laid, or buried, any ashes, rubbish, offal, dung, soil, dead animal, blood, night-soil, or other filth, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over or be upon any carriage or foot way of the Borough shall forfeit and pay a sum not exceeding five pounds nor less than one pound for every such offence.

Sweeping rubbish.

22. Any person sweeping or throwing refuse of any kind into the gutters, pathways, or roadways shall be liable to a fine not exceeding one pound nor less than ten shillings for every such offence.

Allowing filth to remain on premises.

23. Any person or persons allowing any filth or offensive matter to be or remain on his or their premises shall be liable to a penalty of not less than one pound nor more than ten pounds.

Stables to be erected only on site chosen by officer.

24. No stable, cow-shed, or other out-house shall be erected except upon a site approved of by the Inspector of Nuisances, and every stable, cow-shed, or other out-house already built or hereafter to be built, shall be drained, paved, ventilated, and provided with a properly constructed pit for the receipt of manure and drainage therefrom, to the satisfaction of the Council and Inspector of Nuisances under a penalty not exceeding five pounds nor less than one pound.

Closets, stables, &c., not built in conformity with this and the preceding By-law, to be altered, or repaired, or removed.

25. If any stable, cow-shed, or other out-house, or any closet, privy, and cesspit is or shall be, in the opinion of the Council and Inspector of Nuisances, a nuisance from its too close proximity to any adjoining premises, or from any other cause, or is not kept in repair or clean, the Council may by notice in writing given to the owner or occupier order the same to be taken down, altered, repaired, or cleansed, as the case may require, and if any such order be not obeyed within fourteen days from the service of such notice, the Council or Mayor may, without any further notice, cause the same to be pulled down, destroyed, altered, repaired, or cleansed, and shall be entitled to recover all expenses that may be incurred from the owner or occupier in a summary way at the suit of the Council.

Inspection of premises.—Yards, &c., to be kept clean.

26. Upon the reasonable complaint of any householder, that the house, premises, yards, closets, or drains of the adjoining premises are a nuisance or offensive, the Inspector of Nuisances or other officer appointed by the Council shall make an inspection of the premises complained of, and the officers of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose, and any owner or occupier of any house or place within the Borough who shall neglect to keep clean all private avenues, passages, yards, paddocks, and ways within, attached to, or occupied in conjunction with the said house or place, so as by such neglect to cause a nuisance or offensive smell, shall forfeit and pay a sum not exceeding two pounds nor less than one pound for every such offence.

Slaughtering prohibited.

27. Any person slaughtering or causing to be slaughtered any cattle, sheep, or swine, or other beast within this Borough, shall be liable to a penalty not exceeding five pounds, nor less than one pound for every animal so slaughtered.

Cleansing butchers' shambles, &c.

28. It shall be lawful for the Inspector of Nuisances, or other officer appointed by the Council, when and as often as they shall see occasion, to visit and inspect any butcher's shambles, shops, boiling-down and fellmongering establishments, tanneries, soap-works, breweries, or places of a like nature in the Borough, and to give such directions concerning the cleansing of the said shambles, shops, boiling-down or fellmongering establishments, tanneries, and other establishments as aforesaid, both within and without as to him or them shall seem needful, and any butcher or the owner or occupier of any such premises as aforesaid, who shall refuse or neglect to comply with such directions within a reasonable time (not exceeding seven days), after being so directed, shall forfeit and pay a sum not exceeding two pounds nor less than one pound for every such offence.

Vehicular entrances to private premises to be paved, &c.

29. Any person or persons desirous of having a vehicular entrance to his or her premises over any of the footways of the said Borough, must make application to the Council for such permission, and upon the same being granted, the owner or occupier of the said premises shall cause the said vehicular entrance to be paved with stone or otherwise to the satisfaction of the Committee for Works within seven days after such permission is granted, and in default he or she shall forfeit and pay any sum not less than one pound nor more than two pounds for every such offence. Provided also that all vehicular entrances as aforesaid now in existence, shall be paved with stone or otherwise to the satisfaction of the Committee for Works as aforesaid, within one month from the date of service of such notice to that effect on the owner or occupier of the premises as hereinbefore mentioned, and upon default, he or she shall forfeit and pay any sum not exceeding two pounds nor less than one pound for every such offence.

Hours for removing night-soil, offal, &c.

30. Any person or persons who shall remove any night-soil, offal, ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, except between the hours of half-past ten p.m. and five a.m., or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and water-tight carts or vehicles, or in such a manner as to upset, cast, spill, or strew any of the said night-soil, offal, ammoniacal liquor, slop, urine, or filth, in or upon or near to any of the streets, roads, public places, or footways of the Borough, or shall deposit or throw night-soil, offal, ammoniacal liquor, bones, or other offensive matter nearer to any street, road, or dwelling-house, than shall from time to time be directed by the Council or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house, other than shall from time to time be directed by the Council or Inspector of Nuisances, shall, upon conviction, forfeit and pay any sum not exceeding ten pounds nor less than two pounds for every such offence; and in case the person or persons so offending cannot be found the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such night-soil, offal, ammoniacal liquor, bones, or other offensive matter, and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such a penalty as aforesaid.

Restrictions on certain trades, &c.

31. It shall not be lawful for the business of a soapboiler, fellmonger, tallow melter, tripe boiler, tanner, Japan manufacturer, currier, pig-keeper, or any occupation, trade, or manufacture of an obnoxious or unwholesome nature, prejudicial to the health of, or otherwise offensive to, any of the inhabitants thereof, to be commenced or established within the limits of the Borough, without consent of the Council first had and obtained; and whosoever shall offend against this By-law shall forfeit and pay on conviction a penalty not exceeding fifty pounds, nor less than ten pounds, and a further sum of two pounds for each and every day during which he continues to offend against the provisions of this By-law.

Various obstructions and annoyances.

32. Every person who, in any street or other public place or passage within the Borough, shall commit any of the following offences shall, on conviction for any and for every such offence, forfeit and pay a penalty of not less than ten shillings nor more than two pounds.

33. Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.

34. Every person who shall carry or convey or cause to be carried or conveyed in any street or public place the carcass or any part of the carcass of any newly slaughtered animal, without a sufficient or proper cloth covering the same, for to conceal the same from public view, or shall hawk or carry about butcher's meat for sale, without covering the same as aforesaid.

35. Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, to the danger or annoyance of anyone.

36. Every person who shall place any flower-pot in any upper window near to any street or public place, without sufficiently guarding the same from being thrown down.

37. Every person who shall throw or cast from the roof or any part of any house or other building any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure), when any house or building is being erected, pulled down, or repaired.

38. Every person who shall carry goods or any frame to the annoyance of any person upon any public footway, or erect or cause to be erected any gate or door which opens outwards upon or obstructs any footway, street, lane, road, or public place.

39. Every person who shall feed any horse or other animal upon any street, lane, or road within the Borough.

40. Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person in any street or public place within the Borough.

Noisome and Offensive Trades.

No noisome or offensive trades to be carried on to the injury of the inhabitants.

41. No person shall carry on any offensive or noisome trade within the said Borough so as to injure or be a nuisance as hereinafter stated to the inhabitants thereof.

Definition of noisome and offensive trades.

42. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection wherewith, or from the premises where the same is conducted, followed, or carried on, any gas, vapour, effluvia, liquid, or any large quantities of smoke, shall be evolved or discharged, which gas, vapour, effluvia, liquid, or smoke shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the said Borough, near to the place where such manufacture, trade, calling, or operation is conducted, followed, or carried on, shall be considered a noisome and offensive trade within the meaning of these By-laws.

Complaint.—Inquire and report—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

43. Upon complaint in writing by any householders that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of their residences or properties, as to injure the health of or be a nuisance to such householders, the Inspector of Nuisances or any other officer or persons appointed by the Council shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on, and of the premises or properties of complainants, and shall inquire into the grounds for such complaint and shall report thereon to the Council; and if the said Council shall on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a noisome or offensive trade within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such, to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws to the said complainants or other residents within the said Borough; and if such trade or calling shall not be discontinued, or shall not be so conducted as that it shall wholly cease to be noisome and offensive within the time named in such notice as aforesaid, any person or persons conducting, following, or carrying on such trade or calling as aforesaid, shall for the first offence forfeit and pay a sum not less than five pounds nor more than ten pounds, and for a second and every subsequent offence a sum of not less than twenty pounds nor more than fifty pounds.

Mode of proceeding when noisome and offensive trade is about to be commenced.—Penalty.

44. The like proceedings shall be taken whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove noisome and offensive within the meaning of these By-laws, and the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, and the Council shall take such measures as shall effectually and permanently prevent the same from becoming noisome or offensive within the meaning of these By-laws to any residents within the Borough. And any person or persons who shall in any such case commence, enter upon, or continue any such manufacture, trade,

calling, or operation, so that the same shall be in any way noisome or offensive within the meaning of these By-laws, shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than twenty pounds.

Service of Notice.—Liabilities.

45. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land shall be a good and sufficient service of such notice as aforesaid for all the purposes of these By-laws. And every person or persons who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid shall be liable to, and be regarded and treated as a person conducting, following, or carrying on such manufacture, trade or operation within the meaning of and for all the purposes of these By-laws.

Public Health.

Houses to be purified on Certificate of two Medical Practitioners.

46. If upon the certificate of two Medical Practitioners it appears to the Council that any house or part of house, or the premises occupied in connection therewith within the limits of the Borough, is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, purifying, or fumigating of any house or part thereof or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof of the premises occupied in connection therewith to whitewash, cleanse, purify, or fumigate the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within the time specified in the said notice he or she shall be liable to a penalty of not less than three pounds nor more than twenty pounds. Provided that each day, during which such house or part thereof shall, after such notice as aforesaid, remain uncleansed or unfumigated shall be a separate offence. Provided also that no such penalties shall collectively amount to any greater sum than fifty pounds.

Sale or letting of infected premises or goods.

47. If any person shall sell, let, or cause to be sold or let any dwelling house or part thereof or premises occupied in connection therewith in the said Borough, which then is or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person so selling, letting, or causing to be sold or let shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds; and any person who shall sell, let, or cause to be sold or let in the said Borough, any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

48. Any person or persons who shall expose or cause to be exposed in any road, street, or public place, or unenclosed land, adjacent to any road, street, dwelling house, or public place, any article whatsoever knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

No rubbish to be thrown upon private property without leave.

49. No kind of rubbish or offensive matter shall be thrown upon any private property within the Borough, without permission first obtained from the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence a sum not exceeding two pounds nor less than ten shillings.

Drainage, &c.

No private sewers or drains to communicate with the public sewers without notice.

50. It shall not be lawful for any person, without notice to the Council or Inspector of Nuisances, or otherwise than according to such plans and directions, as such Council or Inspector of Nuisances may give, to make or branch any private drain or sewer into any of the public drains or sewers, or into any drain or sewer communicating therewith without such notice, and in case any person or persons shall make or branch any private drain or sewer communicating or to communicate therewith without such notice or otherwise than as aforesaid, every person so offending shall for every such offence forfeit

and pay any sum not exceeding fifty pounds nor less than five pounds, and shall at his or her own expense make good all roads, streets, kerbing, &c., which shall have been injured by or through any such work, and all such repairs shall be performed to the satisfaction of such officer as the Council shall appoint to superintend such work, and any person who shall do or perform anything contrary to this By-law, or shall neglect to make good all such damage as aforesaid shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Proprietors of private drains, sewers, &c., to trap, repair, and cleanse same.

51. All proprietors of private drains or sewers communicating with any public drain or sewer now or hereafter constructed, shall have the same properly trapped, and when necessary shall cleanse and repair the same under the inspection and direction of the Council or officer thereof, at the cost and charges of the occupiers or owners of the houses, buildings, lands, and premises, to which the said private drains or sewers shall respectively belong; and in case any person shall neglect to trap, repair, and cleanse, or cause any such private drain or sewer to be trapped, repaired, and cleansed according to the direction of the said Council or officer thereof, he or she shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Owners or lessee to construct drains, &c., and connect to sewers.

52. The owner or lessee of every tenement or premises which shall have a frontage to, or abut upon any street or lane in which a public sewer or drain is made, laid, or constructed, or may be so made, laid, or constructed, shall make, lay, or construct, or cause to be made, laid, or constructed a drain or sewer of such size and material as the Inspector of Nuisances or other officer appointed by the Council may deem sufficient to carry the drainage of such tenement or premises; the said drain or sewer to be connected with the aforesaid public drain or sewer; any person after having received seven days' notice thereof and in default of any of the provisions of this By-law, shall forfeit and pay a penalty not exceeding five pounds nor less than two pounds for every such offence. Provided that after conviction every seven days' default shall be deemed a further and separate offence.

Water from roofs, &c.

53. Every owner or occupier of any dwelling-house, shop, or other building who shall permit rainwater to fall down from any roof, spout, balcony, or other projection upon or over any street, road, lane, or footway, or shall cause or permit any such roof or rainwater to be discharged by any pipe upon any such street, road, lane, or footway, shall, if such nuisance be not abated within seven days after written notice to abate the same shall have been given by the Council or Inspector of Nuisances, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound. Provided that any tenant of such premises who shall erect any spouting or pipe in accordance with any such notice as aforesaid may deduct the cost thereof from the rent of the said premises.

Drains in footpath.

54. No surface drain shall be made in any footpath, nor any pipes laid across the same, without the authority of the Council, and no such pipe or drain shall be used for the discharge into any street, roadway, or gutter of any offensive liquid, or matter of any kind whatsoever; and any person who shall so offend shall forfeit and pay any sum not exceeding twenty pounds nor less than one pound.

Proper drains to be provided.

55. A properly constructed drain shall be provided to receive and convey the drainage from every tenement by the owner or lessee thereof; such drain to be provided with proper pipes, sinks, and traps, and laid to the satisfaction of the Council or its officers. Any person neglecting to comply with any of the provisions of this By-law after having received seven days' notice from the Council or its officers shall forfeit and pay a sum not exceeding two pounds nor less than one pound. Provided that after conviction every seven days' default shall be deemed a further and separate offence.

Drains for the discharge of surface water from land.

56. Every owner or occupier of land so situated that surface or storm water from or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any road, street, lane, or footway, shall within seven days next after the service of notice to abate such nuisance, abate the same where possible; and in default of compliance with any such notice within the period aforesaid such owner or occupier shall still have failed to comply with such aforesaid notice, or be otherwise in default as aforesaid, he or she shall forfeit and pay any sum not exceeding five pounds nor less than one pound; and every such owner or occupier who shall still have made default as aforesaid for more than seven days after such second or any future conviction shall be guilty of a further offence within the meaning of this By-law.

Natural watercourses.

57. Any person who shall close or intercept any natural watercourse, by building or otherwise, shall provide another outlet for the surface water with pipes or sewers of a size and in a manner to be approved of by the Council; and any person closing or intercepting any such watercourse, and failing to comply with the provisions of this By-law, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Unoccupied lands, sand, &c.

58. If any owner or owners of occupied or unoccupied lands within this Borough shall allow or permit any sand to flow or drift from such lands over any of the footways, streets, gutters, roadways, or lanes of the Borough, he or they shall forfeit and pay any sum not exceeding five pounds nor less than one pound for every such offence in addition to the cost of removing the same.

Dead animals—mode of removal.

59. If any animal shall die in any part of the Municipality, and the owner of such animal or the occupier of the place, if private property, where such animal shall have been thrown, placed, or died, shall not cause such animal to be immediately (that is to say within six hours after receiving notice from the Inspector of Nuisances or other officer of the Council), destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom, he or they shall forfeit and pay any sum not exceeding five pounds nor less than two pounds, in addition to the cost of removing the same by the said Council.

Indecent exposure of the person.

60. Any person who shall offend against decency by the exposure of his or her person, or by indecent behaviour, or by committing a nuisance in any street or public place or uninclosed land within the said Borough, or in view thereof, or in any public conveyance, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound for every such offence.

Bathing prohibited within certain limits.

61. Any person who shall bathe near to or within view of any inhabited house, or of any bridge, street, road, or other place of public resort within the limits of the said Borough, shall forfeit and pay a penalty not exceeding one pound nor less than five shillings for every such offence.

Public Amusements.

Unlawful games.

62. No games with dice, or other games of chance for money, prize-fighting, cock-fighting, dog-fighting, or other entertainment opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace, shall be established, held, or given within the Borough; and any person or persons who shall establish, hold, give, or cause to be established, held, or given, any such game, exhibition, or entertainment, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Places of amusement to be licensed.

63. No dancing saloon, bowling or skittle alley, shooting gallery, or similar place of amusement (other than entertainments requiring to be licensed by law) shall exist or be established within the Borough unless and until such place of amusement shall have been licensed by the Council as hereinafter provided; and in the event of any such licensed place of amusement being improperly conducted or becoming a nuisance or an annoyance to any inhabitant, or violating public decency or endangering the public peace, the Mayor shall on representation to that effect being made, forthwith suspend the said license, and the Council at its next meeting shall by resolution cause the said license to be cancelled or otherwise as may appear necessary or desirable, and any person or persons having already established such places of amusement as aforesaid who shall not within thirty days after these By-laws come into operation apply for such license or any person or persons who shall open, establish, or maintain any such place of amusement as aforesaid, without having obtained such license, shall forfeit and pay a sum not exceeding ten pounds nor less than two pounds for every such offence.

Mode of granting licences.

64. Applications for licences as aforesaid must be in writing, addressed to the Mayor and Aldermen, and must be endorsed by two householders testifying to the respectability of the applicant. The application must describe clearly the nature of the entertainment for which the license is sought, and the premises in which it is to be held.

License fees.

65. Licenses shall be granted by resolution of the Council, upon payment of license fees, as follows:—For every license granted between the first day of January and the thirty-first day of December, one pound one shilling (£1 1s.). All licenses shall expire on the thirty-first day of December in each year,

and may be renewed by resolution of the Council, upon written application fourteen days previous to the expiry of such license, and on payment of the annual fee of one pound one shilling (£1 1s.).

PART VII.

BY-LAWS made under and for carrying into effect the provisions of the Nuisances Prevention Act, 1875.

1. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, shall before he shall commence to erect such closet, or to form, excavate, or make any such cesspit, deliver to the Council Clerk of the Borough a notice in writing of the intention of such person to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected, or such cesspit formed, excavated, or made; and if any person shall commence to erect any closet, or to form, excavate, or make any cesspit within the said Borough or cause such to be done without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Borough or officer for the time being appointed by the Council of the said Borough on that behalf) he shall forfeit and pay a penalty not exceeding five pounds, nor less than two pounds for every such offence.

2. No person shall erect or commence to erect any closet, or to form, excavate, or make any cesspit, except in such place or position as shall be approved by said Inspector of Nuisances or other officer as aforesaid, and any person who shall erect or commence to erect any closet, or to form, excavate, or make any such cesspit or cause such to be done without having obtained the approval of the said Inspector of Nuisances or other officer, or in any position or place other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty not exceeding ten pounds nor less than two pounds for every such offence; but any person who shall feel aggrieved by the decision of the said Inspector or other officer as aforesaid, may appeal against the same to the Council.

3. Every cesspit to be constructed within the Borough shall be not more than five feet deep, four feet wide, and four feet six inches long, nor less than four feet deep, three feet wide, and four feet long, inside measurement (except as hereinafter provided); such cesspit shall be built of 9-inch brick-work set in cement, and the top of such cesspit shall be at least nine inches above the surface of the ground; and shall also if deemed desirable by the Inspector of Nuisances or other officer of the Council aforesaid be plastered with cement the whole or any portion thereof; the whole of the work done and the material used in the construction of said cesspit to be of good quality, and approved of by the Inspector of Nuisances or other officer as aforesaid, and no cesspit shall be formed, excavated, or made under any dwelling-house nor at a less distance than twenty feet therefrom (area permitting), every person who shall so form, excavate, or make any cesspit under any dwelling-house, or at a less distance than twenty feet therefrom (area permitting) or cause such to be done shall forfeit and pay a penalty not exceeding ten pounds nor less than two pounds for every such offence.

4. Every closet shall be built with walls not less than six feet six inches high, measured from floor level to top of wall-plate, and covered with corrugated iron, slates, tile, or shingles, and shall be provided with a door capable of being fastened on the inside, and with a man hole in the floor not less than two feet square clear measurement, such man hole to be covered with a trap door; the whole of the work done and the material used in the construction of such closet to be of good quality and approved of by the Inspector of Nuisances or other officer as aforesaid, and any person who shall build or erect or cause to be built or erected any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty not exceeding ten pounds nor less than two pounds for every such offence.

5. When necessary in the opinion of the Inspector of Nuisances, the owner, occupier, or lessee of any premises shall cause the closet attached to the same to be lime washed; and any person neglecting to comply with this By-law after having received seven days' notice shall forfeit and pay a penalty not exceeding one pound nor less than ten shillings.

6. Where two closets adjoin each other there shall be a sufficient dividing wall, not less than nine inches in thickness, between such closets as aforesaid, and such walls shall extend from the bottom of the cesspit up to the roof of the closet so as to effect a complete separation, and if any person shall erect any two closets as aforesaid, and not in accordance with this By-law, he shall forfeit and pay a penalty not exceeding five pounds nor less than two pounds for every such offence.

7. A separate closet shall be provided for each tenement by the owner or lessee of such tenement, and any person offending against the provisions of this By-law shall forfeit and pay a penalty not exceeding twenty pounds nor less than two pounds.

8. In schools, factories, or other places of business, where a number of persons exceeding twelve shall ordinarily reside or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less nor more than 90 cubic feet, and separate closets shall be provided for each sex, and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against the provisions of this By-law, or fail to provide the number of closets in this By-law mentioned, shall forfeit and pay a penalty not exceeding ten pounds nor less than five pounds, and shall be guilty of a separate offence for every day during which the provisions of this By-law shall not be complied with.

9. If any alteration shall be requisite in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf for preserving public decency or health, in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to health or opposed to decency, by exposure or otherwise, and the owner or occupier of the premises on which such cesspit or closet shall be, shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk or Inspector of Nuisances, it shall be lawful for the said Inspector of Nuisances or other officer appointed by the Council, to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way before any one or more Justices of the Peace.

10. Until otherwise provided for by the Council, all night-soil shall be removed from cesspits by contract, in watertight covered vehicles, between the hours of half-past 10 p.m. and 5 a.m.; and if any person shall remove, or cause, permit or suffer to be removed from any cesspit any nightsoil in any other manner or at any other time than as provided by this By-law, he shall forfeit and pay a penalty not exceeding ten pounds nor less than two pounds for every such offence.

11. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner and between the same hours as aforesaid, and on being removed from the vehicles in which it is carried shall be deodorized by chemicals, or in some other effective manner, or covered with earth, so as to prevent any offensive smell arising therefrom; on breach of this By-law the person or persons to whom the said nightsoil shall be sold or given shall forfeit and pay a penalty not exceeding ten pounds nor less than two pounds.

12. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises, or do any work authorized by the Nuisances Prevention Act, 1875, therein, on all days except Sundays and holidays, and every person who shall hinder or obstruct any Inspector of Nuisances or other officer as aforesaid, upon any such visitation or inspection, or in the doing or performing of any work, shall forfeit and pay a penalty not exceeding ten pounds nor less than two pounds for every such offence.

13. All expenses incurred by the Council in emptying any cesspit shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit is situated, within one week after a written demand of the amount made by the Inspector of Nuisances shall have been served upon him or her, otherwise the same may be recovered in a summary way before any two Justices of the Peace, and the Inspector of Nuisances or other officer appointed by the Council shall prosecute in all cases for the recovery of the hereinbefore mentioned expenses, as well as any breaches of these By-laws.

Passed by the Council of the Borough of Waterloo, this
3rd day of October, 1889.

(L.S.) JAMES P. HOWE, Mayor.
LL. P. WILLIAMS, Alderman.
M. SMITH, Alderman.

JAS. CAMPBELL, Council Clerk.

1890.

NEW SOUTH WALES.

**MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.**
(MUNICIPAL DISTRICT OF RYDE—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 31st May, 1890.

MUNICIPAL DISTRICT OF RYDE.—BY-LAWS.

The following By-laws, made by the Council of the Municipal District of Ryde under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," having been respectively confirmed and approved by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

MUNICIPAL DISTRICT OF RYDE.

ADDITIONAL BY-LAWS made by the Municipal Council of Ryde under the Municipalities Act.

Closing existing cemeteries.

89. After the gazetting of this By-law, no person or persons, other than those owning land therein, shall bury or cause to be buried any corpse in any existing cemetery now open for burial in the Municipal District of Ryde (excepting the General Cemetery on the Field of Mars Common) within the distance of one hundred yards from any public building, place of worship, schoolroom, dwelling-place, public pathway, street, road, or place whatsoever; and no person or persons owning land in any existing cemetery now open for burial (with the above-named exception on the Field of Mars Common) shall bury or cause to be buried any corpse in any such cemetery within the aforesaid distances of the aforesaid places after the 31st day of December, 1899: Provided, however, that said owners of land may bury after said 31st day of December, 1899, on obtaining permission from the Secretary for Lands to do so. Any person or persons who shall commit a breach of this By-law shall forfeit and pay a penalty of not less than five pounds nor more than fifty pounds.

Riding or driving round corners.

90. Any person who shall ride or drive round corners at the intersections of Parkes and Church Streets, Glebe and Church Streets, Morrison Road and Church-street, Glebe and Belmore Streets, and the corner at the "Steamboat Inn," at a pace faster than a walk, shall on conviction forfeit and pay any sum not exceeding forty shillings.

Remaining or loitering on footpaths.

91. Any person or persons remaining or loitering in or obstructing any road, street, footway, or other public place within the Municipality after being requested by any member of the police force or some officer of the Municipality to desist from so remaining or loitering on or obstructing, shall be liable to a penalty of not less than five shillings nor more than five pounds, and for every subsequent conviction shall be liable to a penalty of not less than ten shillings nor more than ten pounds.

Breeding or keeping swine.

92. Any person or persons who shall breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditament, situate or being within forty yards of any street or public place or any dwelling-house in the said Municipality, shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Slaughtering sheep, cattle, &c., within the Municipality.

93. It shall not be lawful for any person to slaughter or cause to be slaughtered, for purposes of sale, any cattle, sheep, swine, or any other beast, in any house, enclosure, or place within the Municipality of Ryde, other than licensed slaughter-houses; and any person offending against this By-law shall be liable to a penalty of not less than twenty shillings nor more than ten pounds for every such offence.

The foregoing By-laws were made and passed by the Ryde Municipal Council, at a meeting held in the Ryde Council Chambers on the 2nd day of April, 1890.

(I.S.) GEORGE LOVELL,
Mayor.

W. SHORT, Council Clerk.

MUNICIPAL DISTRICT OF RYDE.

REPEAL OF BY-LAWS under the "Nuisances Prevention Act, 1875."

THAT By-laws Nos. 1, 4, and 13, under the "Nuisances Prevention Act, 1875," and published in the Government Gazette of 26th June, 1889, be and the same are hereby repealed.

ADDITIONAL BY-LAWS made by the Municipal Council of Ryde, under the "Nuisances Prevention Act, 1875."

Filling up existing cesspits.

1. That the dry-earth closet system be adopted exclusively throughout the Municipal District of Ryde, and that all existing cesspits be cleaned out and filled up. Any person infringing the provisions of this By-law shall forfeit and pay a penalty of not less than one pound, nor more than three pounds.

Dimensions of closet, pan, dry-earth box, &c.

4. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide, and 4 feet 6 inches long, shall be provided with a box or other receptacle for dry-earth or ashes, of which a sufficient quantity to deodorize the excreta therein shall be deposited in the closet-pan daily, and must further be provided with a pan 14 inches square (unless permission be given by the Council in writing to use a pan of other dimensions); and every person who shall erect any closet not in accordance with this By-law, or use pans of other dimensions than those specified shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings, and shall be compelled to remove the same within one month of receipt of notice to that effect, or be liable to a further penalty of not more than ten pounds.

Burial of night-soil by those who have obtained permission.

13. All night-soil shall be removed by those persons who have obtained permission from the Council to bury the same once in seven days or oftener if necessary, and buried in the earth; and every person infringing or not complying with this By-law shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

Temporary closets to buildings in course of erection.

18. When any new building is about to be erected the builder or builders thereof shall first erect or cause to be erected on the premises a temporary closet not less than 3 feet 6 inches by 3 feet for the use of the workmen employed in the construction of the new building; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds nor less than one pound.

Obstructing contractor for the removal of night-soil.

19. No person or persons shall refuse to permit or cause any other person or persons to obstruct any of the Council's contractors, servants, or nightmen in entering on any premises for the purpose of removing the contents of any closet. Any person or persons who shall commit a breach of this By-law shall forfeit and pay a penalty of not less than one pound nor more than five pounds, and no allowance will be made on account of such closet not being emptied.

Notice on leaving premises.

20. The occupant or owner of any premises on leaving or removing to any other premises shall immediately give notice to the Inspector of Nuisances, otherwise no allowance shall be made for any error that may occur through such neglect.

The foregoing By-laws were made and passed by the Ryde Municipal Council, at a meeting held in the Ryde Council Chambers on the 2nd day of April, 1890.

(t.s.) GEORGE LOVELL,
W. SHORT, Council Clerk. Mayor.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.
(BOROUGH OF WAVERLEY—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney 21st July, 1890.

WAVERLEY MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Waverley, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," having been respectively confirmed and approved of by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BOROUGH OF WAVERLEY.—BY-LAWS.

184. That By-law No. 162 of the code of By-laws adopted by the Waverley Borough Council on March 5th, 1889, be and the same is hereby rescinded.

Closets how constructed.

185. Every closet shall be built with walls of brick, stone, or other approved material not less than seven feet high, and shall not be less than three feet six inches wide, and four feet six inches long, and shall be provided with a door capable of being fastened from the inside; and every person having or building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

By virtue of the powers and authority of the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," the Council of the Borough of Waverley passed the foregoing By-laws on the fifteenth day of April, 1890.

(L.S.) FRANK GUEST,
Mayor.

ROBERT T. ORR, Council Clerk.

1890.

NEW SOUTH WALES.

**MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.**
(MUNICIPAL DISTRICT OF KOGARAH—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 10th September, 1890.

KOGARAH MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Kogarah, under the "Municipalities Act of 1867," and "Nuisances Prevention Act 1875," having been respectively confirmed and approved by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

MUNICIPAL DISTRICT OF KOGARAH.—BY-LAWS.

BY-LAWS made by the Council of the Municipal District of Kogarah, under the "Municipalities Act of 1867."

Ordinary Meeting of Council.

1. Unless otherwise ordered the Council shall meet for dispatch of business on every alternate Monday, at the hour of 7 30 p.m., unless such day shall happen to be a public holiday. In such case the Meeting shall be held on such day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting.

Adjournment for want of quorum.

3. In the event of a quorum not being present at any meeting of the Council within half an hour after the time appointed for the holding of such meeting, the Aldermen then present shall be entered in the Minute-book by the Council Clerk, and the meeting shall lapse. Should it appear at any time during the holding of any meeting that there is not a quorum of members present the Mayor, shall have power to adjourn such meeting, or intended meeting, to some other time.

Order of business.

4. The following shall be the order of business at all meetings of the Council other than special meetings :—

First. The minutes of the preceding meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes except as to whether they are correct.

Second. Correspondence to be read and orders made thereon, if expedient.

Third. Reports from Committees and Minutes from the Mayor (if any) to be presented and orders made thereon.

Fourth. Petitions (if any) to be read and dealt with.

Fifth. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council, or any of the Committees or Officers to be made, or any other special business, but shall not be debated.

Sixth. Orders of the day.

Seventh. Motions of which due notice has been given to be dealt with in the order in which they stand on the business paper.

Eighth. Tenders to be opened and dealt with.

Other motions.

5. Provided that it shall be competent for the Council, by consent of all members present, at any time to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section.

Business paper for Special Meetings.

6. The business paper for a special meeting shall contain only such matter as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Minutes—how confirmed.

7. The question for confirming the minutes shall be proposed and seconded immediately upon their being read, and shall be to the effect that the minutes now read be confirmed as a correct record of the proceedings, and no discussion shall be allowed thereon, except on the point of accuracy. Minutes of the previous meetings to be read and verified at special meetings.

Answer to questions.

8. It shall not be compulsory for the Mayor to give official replies to questions put to him, unless he shall have had twenty-four hours' notice thereof.

Business paper—how prepared. See Sec. 104 of Act.

9. The business paper for every meeting of the Council shall be made up by the Council Clerk and sent by post to the Mayor and Aldermen, or left at their respective residences, at least twenty-four hours before the time appointed for such meeting,

The Council Clerk shall enter on such business paper a copy, or the substance of every notice of motion, and of every order referring to business proposed to be entertained at such meeting.

Notices of motion, &c., to be numbered as received, and preserved until matter is disposed of.

10. All notices of motion, &c., for consideration at general meetings, shall be delivered to the Council Clerk at least four days before such meeting, in writing, and shall be numbered by him as they are received and entered on the business paper according to their number; and each notice shall be preserved by such clerk until after the matter to which it relates shall have been disposed of. Provided, however, that the person giving or forwarding any such notice of motion, &c., shall be at liberty to withdraw the same at any time before the making up of the business paper.

Motion, &c., withdrawn or altered.

11. No notice of motion, &c., shall be withdrawn from the business paper, altered, or amended, without leave having been first obtained from the Council.

Motion to rescind by call of Council.

12. No motion, the effect of which if carried would be to rescind any motion which has already passed the Council during the preceding twelve months, shall be entertained, unless a "Call of the whole Council" has been duly made and granted for that purpose, and no such motion shall be discussed until the previous resolution be rescinded.

How business paper is to be disposed of.

13. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Motions—how to be moved.

14. Except by leave of the Council, motions shall be moved in the order in which they stand in the business paper, and if not so moved or postponed shall be struck from such business paper and be considered to have lapsed.

Amount of vote to be included on business paper.

15. All notices of motion and orders of the day involving an expenditure must include the probable amount proposed to be expended. No amendment shall be proposed to incur a greater expenditure than the original motion of which due notice has been given to the Aldermen, nor shall there be entertained any motion incidentally involving an expenditure without such notice. (See also By-laws 63 and 65.)

Motion for adjournment.

16. No discussion shall be permitted on any motion for adjournment of the Council; and if upon the question being put on any such motion the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper that shall be allowed precedence, shall be disposed of before any subsequent motion of adjournment shall be in order.

Of what orders of the day shall consist.

17. The orders of the day shall consist of all matters (other than notices of motion) which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which shall necessarily arise out of the proceedings of a former meeting, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

Petitions.

Petitions to be respectfully worded.

18. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same; and all petitions shall be received only as the petitions of the parties signing the same.

How petitions are to be dealt with.

19. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to a Committee, or that it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

Reports from Committees.

Form of report.

20. All reports from Committees shall be in writing, and signed by the Chairman of such Committee.

Mayor's Minutes.

21. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing signed by himself.

How Reports, &c., are to be dealt with.

22. No motion shall be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may be moved or considered in due course.

Order of Debate.

Amendments—how disposed of.

23. Whenever an amendment is moved upon an original proposition, no second amendment shall be taken into consideration until the first amendment has been disposed of. If the first amendment be carried it shall displace the original question and become itself the question subject to any further amendment. If the first amendment be negatived, then a second amendment may be moved upon the original question under consideration; but only one amendment shall be submitted to the Council for discussion at one time.

Mode of addressing the Council, &c.

24. Every Alderman who shall propose or second any motion, or shall propose or second any amendment, or shall take part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from doing so by some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may by permission of such Mayor or Chairman be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

25. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Speaker not to digress, &c.

26. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, nor impute improper motives to any other Alderman.

Mayor to decide as to pre-audience.

27. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Aldermen may require question to be stated, &c., under certain restrictions.

28. Any Alderman may request the subject matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such matter which are readily accessible: Provided, however, that no such request shall be so made as to interrupt any other Alderman when speaking, or materially to interrupt the discussion: Provided also that if any such request shall appear to the Mayor not to have been made bona fide, it shall not be complied with.

Lapsed business.

29. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the consideration of such question shall in such case be resumed, at the point where it was so interrupted as aforesaid, at the next fortnightly meeting and in its proper order.

Previous question.

30. On the previous question being moved and seconded, no debate shall be permitted.

Motion, debate, &c., may be adjourned.

31. Any particular motion or business may be adjourned to a later hour or to any other day specified. A debate also may be so adjourned, and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Members speaking.

32. No member shall speak on any motion or amendment longer than ten minutes, without the consent of the Council.

Absence of proposed mover.

33. No notice of motion which shall have been entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

34. No motion shall be discussed until it be seconded.

Motion may be divided.

35. The Mayor shall have power to order a complicated question to be divided and put to the meeting separately.

Limitation as to number of speeches, &c.

36. Every mover of an original motion shall have a right of one general reply to any objections which may have been made in reference to such motion (but not otherwise), and shall not introduce any new matter, the word objections to mean amendments and motions to postpone. Every other Alderman shall be at liberty to speak once upon such motion, unless when misrepresented or misunderstood, in which case he may by permission of the Mayor be permitted to explain only, without adding any further observations.

Mover and seconder.

37. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but any Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment, as the case may be.

Amendment may be moved.

38. When a motion has been proposed and seconded any Alderman shall be at liberty to move an amendment thereon, in writing, but no such amendment shall be discussed until it be seconded.

Amendments to be in writing.

39. All amendments must be in writing, signed by mover and delivered to the clerk, who shall add thereto the name of the seconder. Any member, excepting the mover and seconder, having previously spoken to the original motion, shall not at this stage speak, but may do so on the amendment becoming the question before the Council.

Questions of Order.

Mayor or Chairman to decide points of order.

40. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final in that particular case; and the Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing; and every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member may consider out of order. And the Mayor or Chairman, when called upon to decide points of order or practice, shall state the provisions, rule, or practice which he shall deem applicable to the case, without discussing or commenting upon the same.

Penalties for persisting in disorderly conduct.

41. Any member of the Council, either in Council or Committee, who shall have been called to order by the Mayor or Chairman, and who shall still persist in any line of conduct or argument which shall have been decided as aforesaid to be disorderly, and shall refuse to make such explanation, retraction, or apology, as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction for such offence to a penalty of not less than one pound nor more than ten pounds sterling.

Mode of Voting.

How questions are to be put.

42. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the decision of the majority of members present.

Division—penalty for refusing to vote.

43. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative, and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for, and in any way refusing to vote on such division, shall be liable for every such offence to a penalty of not less than one pound nor more than five pounds sterling.

Protests.

Mode of protesting. Protest to be recorded.

44. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must however be given at the meeting when such resolution is passed or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice.

Special powers of Mayor.

45. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any return or statement, or the giving of any explanation or information by any such officer or servant in connection with his duties as he may think necessary.

Usage of Houses of Parliament to be observed unless other provision made

46. In all cases not herein provided for resort shall be had to the rules, forms, and practices of the New South Wales Parliament, which shall be followed as far as they can be applied to the proceedings of this Council.

Calls of the Council.

How call may be made.

47. A call of the Council may be ordered by any resolution of which due notice shall have been given, for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

48. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name so called; and if any members are absent, a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse, and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

49. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who being absent shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than one pound nor more than five pounds sterling: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call: And if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees

Standing Committees.

50. There shall be four Standing Committees, viz., Works or Improvement, Finance, By-laws, and Lighting, each to consist of not less than three Aldermen. These Committees shall be reappointed every year at the first meeting of the Council which shall be held after the election of the Mayor, and shall hold office until their successors are appointed.

Works of Improvement Committee.

51. The Works Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed, by resolution of the Council, to inquire into and report upon.

Finance Committee.

52. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect or to be likely to affect the finances of the Borough; and as to such matters or subjects of the like nature as they may be directed, by resolution of the Council, to inquire into and report upon.

By-law Committee.

53. The By-law Committee shall prepare for the consideration of the Council drafts of all such By-laws as may be required. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records. They shall also consider and report in due course upon any matter referred to them by the Council.

Lighting Committee.

54. The Lighting Committee shall carefully consider all matters referred to them by the Council from time to time in connection with or appertaining to the lighting of the Municipal District, the supply of gas or otherwise under control; and such Committee shall without delay report to the Council in writing, with such recommendations as they may deem necessary.

Special Committees.

55. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully intrusted to a Committee, and for which, in the opinion of the Council, a special Committee ought to be appointed. And no standing Committee shall interfere with the performance of any duty which may for the time being have been intrusted to any such special Committee. The appointment of every such special Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be intrusted to such special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members.

Chairman of Committee.

56. Every Committee of which the Mayor shall not be a member shall elect a Chairman of such Committee.

Term of service in Committees.

57. The appointment of every special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another Chairman in his stead.

Committee Meetings—How called.

58. The Council Clerk shall, by giving twenty-fours' notice, except in case of emergency, call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee, or the Chairman thereof may call a meeting if he shall think fit.

Records of transactions in Committee.

59. The Chairman of each standing Committee shall make or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

60. No person, except a member of a Committee, shall be admitted at any meeting of such Committee without the consent of the Chairman, and the approval of the majority of members present.

Expenditure.

Except in emergent matters, cost of all works to be estimated before undertaken.

61. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses—Expenses authorized to be reported.—Outlay to be in accord with orders of the Council.

62. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—
1. By order of the Works Committee or of the Mayor and one member of such Committee,—for repairs or emergent works in one place, to the extent of five pounds.
2. By order of the Mayor,—for necessary current expenses, the extent of two pounds.

Provided in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Works Committee or the Mayor, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council; and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

Expenses of proposed works to be first ascertained—Accounts to be examined by Finance Committee.

63. No work shall be undertaken, the cost of which shall exceed twenty pounds, until the expediency thereof shall be reported upon by the Works' Committee and the probable expense thereof shall have been ascertained by the Council; and all accounts to be paid by the Council shall be examined by the Finance Committee and reported on by them before any warrant shall be issued for the payment thereof.

All claims to be examined and reported upon by Finance Committee.

64. All accounts and demands of money against or from the Council shall be examined and reported on by the Special Committee for that purpose before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.

65. No payment shall be ordered unless there shall be a certificate or memorandum from the Committee, Mayor, or officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled before recommending payment: Provided that in cases of special expenditure under section 62 of this Part of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate.

*Common Seal and Records of the Council.**Common Seal.*

66. The common seal shall be in the custody and care of the Council Clerk, and shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or, in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

Records of the Council defined.

67. The minute-book, letter-book, and all rate and assessment books, books of account, records, statements and memoranda of receipts and expenditure, electoral rolls, and records relating to elections, business papers, reports from Committees, minutes from the Mayor, petitions, letters on municipal business addressed to the Council or to the Mayor, or to any officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council.

Records not to be removed &c.—Penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matters of evidence.

68. Any person removing any book or other record of the Council as aforesaid from the Council Chamber, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal as hereinafter provided, shall for every such offence be liable to a penalty of not less than one pound nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record as aforesaid to prosecution for stealing such book or record, or to an action at law for detention of the same: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk or the Treasurer by the Mayor in order that such Clerk or Treasurer may post up entries or perform any other duty which it may be necessary that he should perform; also that the Mayor, or the Chairman of any Committee, or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution or suit at law, by, against, or at the instance of the Council; but in all such cases such Clerk, Treasurer, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed. And provided also that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a Court of Law, shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as possible; and every such person so removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

69. Any person destroying, defacing or altering any record of the Council, shall for every such offence be liable to a penalty of not less than five shillings nor more than fifty pounds.

70. No appointment to any permanent office at the disposal of the Council to which a salary or allowance of fifty pounds or exceeding that amount is attached, shall be made until public notice shall have been given as hereinafter provided, inviting applications from qualified candidates for the same, the salary or allowance attached to such office shall in every case be fixed before such notice is given and shall be stated in such notices.

71. Nothing herein contained shall be held to prevent the employment as may be from time to time found necessary and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

*Officers and Servants.**Bonds for good conduct.*

72. All bonds of officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other officer or servant.

Duties of Council Clerk.

73. The Council Clerk, in compliance with the Municipalities Act of 1867, or by the present or any other By-laws made thereunder, shall perform the following duties, viz. :—

1. Attend all Council Meetings.
2. Attend all Courts of Revision and Appeal.
3. Summon the members of the Council to all Council or Committee Meetings.
4. Take notes of all minutes and prepare reports of all Committees.
5. Conduct all correspondence ordered by the Council, or under the direction of the Mayor, and give all other officers instructions as directed by the minutes.
6. To see that the accounts are audited and the balance sheet duly submitted twice a year within the times specified by law.
7. To see the Gazetting of all By-laws and necessary advertisements.
8. To see that the Assessment Books, and the Municipal Lists and Rolls are duly prepared; examine proofs of latter, and arrange for distribution of copies, on payment, to electors, prior to the elections.
9. Make all necessary arrangements for the elections, preparing all papers, &c., for presiding officers and poll clerks.
10. Prepare all bonds of officers; see that the guarantees are given and agreements duly signed, &c., and report same to the Council.
11. Advise with the officers from time to time as to their duties and the mode of carrying them out.
12. See that all levels and names of streets have been duly advertised as provided for by law, and authenticated the Mayor's signature.
13. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
14. He shall likewise have charge of all the records of the Council, except such books or documents as may be intrusted to any other officer of the Council, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council.
15. He shall enter into a Guarantee Society's Security for an amount fixed by the Council from time to time for not less than £300, for the faithful performance of his duties.
16. And otherwise as provided for by any Act in force relating to the Municipal District of Kogarah.

Complaints against officers, &c., how dealt with.

74. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same, and report thereon at the next meeting; or he may, if necessary, suspend such officer or servant till the Council shall have dealt with the charge.

*Miscellaneous.**Leave of absence.*

75. No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by resolution of the Council, adopted after due notice.

PART II.*Collection and enforcement of Rates.*

Times and modes of collection.—Rates to be collected yearly.

76. All rates levied or imposed by the Council under the provisions of the Municipalities Act of 1867 and its amendments, shall be levied and collected for the year and be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rates.

Rates on damaged premises.

77. In the event of any premises being wholly or partially destroyed by fire or other accident, the Council shall have power to accept an equitable proportion of the assessed rates of such premises for the remainder of any municipal year.

Rates to be paid at office of Council Clerk.

78. All persons liable to pay any rates as aforesaid shall pay the amount thereof, within the time prescribed by the said resolution, into the office of the Council Clerk, during the office hours appointed by the Council.

Defaulters.

79. It shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons whose rates are unpaid at the expiration of the times fixed for payment of the same as aforesaid.

Mayor to enforce payment.

80. The Mayor shall issue distress warrants against all such persons, and cause such warrants to be enforced, or cause such defaulters to be sued for the amount of such rates in a Court of competent jurisdiction.

*Enforcements by Distress.**Bailiff.*

81. A Bailiff shall, when found necessary, be appointed by the Council, and the said Bailiff shall find sureties to the satisfaction of the Council, to the extent of not less than twenty pounds each, for the faithful performance of his duties; and it shall be the duty of the Bailiff to make all levies, by distress, for the recovery of rates, in the manner hereinafter provided.

Warrant of distress.

82. All levies and distresses shall be made under warrant in the form of Schedule A. hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

83. If the sum for which any such distress shall have been made shall not be paid with costs, as hereinafter provided, on or before the expiration of five days, the Bailiff shall cause to be sold the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Municipal District as the Bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

84. At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailiff shall give a copy of the inventory to such person, on demand, at any time within one month after making such distress.

Goods may be impounded.

85. The Bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same, on account of the purchaser thereof.

Owner to direct order of sale.

86. The owner of any goods or chattels so distrained upon may at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

87. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

88. There shall be payable to the Bailiff, for the use of the Council, for every levy and distress made under these By-laws the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.*Warrant of distress.*

89. I, _____ Mayor of the Municipal District of Kogarah, do hereby authorize you, _____ the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, being the amount of rates due to the said Municipality to the _____ day of _____ for the said dwelling-house (or land or premises as the case may be), and to proceed thereon for the recovery of the said Rates according to law.

Dated this _____ day of _____ 18 _____

_____, Mayor.

SCHEDULE B.

Inventory.

90. I have this day, by virtue of the Warrant under the hand of the Mayor of the Municipal District of Kogarah, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the premises) of _____ situate at _____ within the said Municipal District for _____ being the amount of Rates due to the said Municipality to the _____ day of _____ 18____, Bailiff.

Dated this _____ day of _____ 18____, Bailiff.

SCHEDULE C.

91.	Costs.	s.	d.
	For every warrant of distress.....	2	0
	For serving every warrant and making levey...	2	0
	For making and furnishing copy of inventory...	1	0
	If in possession more than five hours, additional	5	0
	And for every subsequent day, or part of a day, whilst in possession.....	5	0
	For sale, commission, and delivery of goods, per pound on proceeds of the sale.....	1	0

PART III.

Preventing and extinguishing fires.

Fire or combustible materials, &c.

92. Every person who shall place, or knowingly permit to be placed, in any house, yard, or workshop, out offices, or other premises, fire, gunpowder, or combustible or inflammable material of any kind, in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds; and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

93. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable material, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties, shall forfeit on conviction for every such offence a penalty of not more than five pounds, and also shall remove such fence, stack, or covering within a reasonable time after such conviction. And any person failing to remove such fence, stack, or covering within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Discharging fireworks, firearms, &c.

94. Every person who shall light any bonfire, tar barrel, or fireworks, or shall discharge any firearms, or who shall light any combustible matter to the endangering of property upon or within sixty yards of any public or private street, or any public place, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

95. Every person who wilfully sets or causes to be set on fire any chimney flue, smoke-vent, or stove-pipe herein called in common a "chimney," shall forfeit a sum not exceeding five pounds.

Tenders.

96. Whenever it is decided that any work shall be executed or material supplied to exceed the sum of £15, the same shall be executed or supplied by contract, and tenders for the execution of such work or the supply of such material shall be called for by public notice as hereinafter provided. Each tender must be accompanied by an undertaking from two approved persons who are willing to become sureties for the due performance of the work by the person tendering. The Council shall not be bound to accept any tender, but in all cases the preference shall be given to the lowest tender if the price and sureties be approved of.

Notices.

97. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation of the Council or any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Municipality.

Persons obstructing officers of the Council.

98. Any person or persons who shall obstruct any officer of the said Council, while in the performance of his duty, or who shall interfere with any officer of the said Council doing or

performing, or going to perform or returning from the performance of any duty or act under these By-laws, by using any threat, offensive language, hindrance, or insulting language towards the said officer in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

New roads to be reported on.

99. No new public road, street, way, park, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been formed by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works or any duly authorized officer, or until the said road, street, way, or park shall have been reported upon to the Council by such Committee or duly authorized officer.

Dedication of new roads, &c.

100. If the Council shall determine to take charge of any such road, way or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council; and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, park, or other place to public use or recreation as aforesaid, as may be considered necessary by the Works Committee, and such further instrument of dedication shall also be preserved as a record of the Council.

Change of street levels.

101. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings to be exhibited at the Council Chamber for fourteen days for the information and inspection of ratepayer, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is open to inspection. At a subsequent meeting of the Council, the same plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk. And such plan and section, so signed and countersigned, shall be a record of the Council.

Roads and streets and encroachments therein, &c.

102. The Committee of Works or the Surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares, recourse shall be had when practicable to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Committee of Works or Surveyor or other officer to place posts at the corners of intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give 42 feet for the carriage-way and 12 feet for the footway on each side where the road, street, lane, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, or thoroughfare, or other public place of other width than 66 feet. Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place, until the same shall have been submitted to and adopted by the Council, as hereinafter provided.

This By-law shall be subject in all respects to "The Width of Streets and Lanes Act of 1881" (45 Vic. No. 28).

Kerbing, &c.

103. The Council may cause any work such as kerbing, guttering, road-making, and other required works to be executed under its control in any case, upon receiving a request for the same to be done, and upon the person requesting same agreeing to pay the cost of the same, authorized from time to time by the Council.

Erection of houses, &c.

104. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place, within this Municipality, without his serving notice in writing on the Mayor or Council Clerk, stating such intention and describing the proposed situation of the building or erection, nor without having received an authority from the Mayor or Council Clerk, who will give the required level on payment of a fee of five shillings. No person shall be at liberty to encroach beyond the building line in any street or lane by the erection of verandahs, overhanging balconies, doorsteps, fences, or any other obstruction whatever. Any person offending against this By-law shall be liable to a fine of not less than ten shillings and not exceeding ten pounds; and in the case of encroachment shall be liable to a further fine of not less than five shillings nor more than two pounds for every day the same shall remain unremoved or unaltered after receiving seven days' notice to that effect.

Subdivision of land

105. Any person or persons being desirous of subdividing any land into allotments shall submit a plan to the Council for their approval, showing the extent of each such proposed subdivision and the provision for drainage, one month prior to disposal of the same being made. For neglecting to do so they shall be liable to a penalty of not less than ten pounds nor more than fifty pounds.

Change of street names.

106. The Council shall have power from time to time, as they may deem expedient, to alter the name of any street, road, lane, avenue, or other public road situate within the Municipality, and so soon thereafter as may be convenient shall cause a notification thereof to be inserted in the Government Gazette and one or more daily newspapers circulating within the Municipality.

No Private Sewers to be made to communicate with the Public Sewers without notice.

107. It shall not be lawful for any person, without permission from the Council, to make or branch any private drain or sewer into any of the public drains or sewers, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence on conviction forfeit and pay any sum not exceeding five pounds, and shall close such private drain under a further penalty of two pounds a week or part of a week so long as such private drain remains after such conviction.

Proprietors of private sewers, &c., to repair and cleanse same.

108. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the authorized officers of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the said officer, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Drains for discharge of surface water from land.

109. Every owner or occupier of land in, adjoining to, or near any street if such land shall be so situated that surface or storm water from, or upon the same shall overflow or shall tend naturally, if not otherwise discharged, to overflow any footway of such street, shall, within seven days next after the service of notice from the Council for that purpose, construct and lay a covered drain from such point upon such land being near to the footway, as shall be specified in such notice by plan appended or otherwise, and higher in level than the bottom of the channel at the outer edge of the footway to the said channel, and through, under, and transversely to the footway, and keep in good condition such covered drain, as and subject to the inspection of the Council or its proper officers; and in default of compliance with any such notice within the period aforesaid or with the provisions of this By-law, such owner or occupier shall forfeit any sum not exceeding five pounds nor less than ten shillings. And if after such conviction, such drain shall not be constructed as herein specified, or kept in good condition, such owner or occupier shall forfeit any sum not less than five shillings nor more than two pounds per day for each and every day after such conviction.

Houses, &c., spouted.

110. All proprietors of houses within the Municipality having a frontage to any street shall be bound to have the same sufficiently spouted, and the down pipe carried under the surface of the footpath into the gutter, under a penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty, also for every succeeding seven days.

No turf, gravel, &c., to be removed from streets without permission.

111. Any person who shall form, dig or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material used in the formation of the streets, in or from any part of the carriage or footway of any street, or other public place within the said Municipal District, without leave first had and obtained from the Council, or who shall break up or otherwise damage any such carriage or footway, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Digging holes, &c.

112. If any person shall make, or dig, or cause to be made or dug any hole, or leave or cause to be left any hole in or adjoining to any street, road, or public place within the said Municipality for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or

for any other purpose whatsoever, and shall not forthwith enclose the same in a good and sufficient manner, or shall keep or cause to be kept up and continued any such enclosure for any time which shall not be longer than shall be reasonably required, or shall not when thereunto required by the said Council, well and sufficiently fence or enclose any such hole within twenty-four hours after he shall be required to do so by the said Council, and in the manner and with such materials as they shall direct, and to their satisfaction, and shall not place a light upon the said enclosure and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, then and in every such case the person so offending shall forfeit and pay for every such offence and for every such refusal or neglect any sum not exceeding five pounds.

Lights on obstructions, hoardings, &c.

113. Any person who shall have caused building materials, or hoarding enclosing such building materials, or any obstruction whatever to be placed on any portion of the footway or roadway in any street or streets of this Municipality, without having first obtained permission from the Council, and paid a fee of five shillings, and shall also keep the same properly lighted from sunset to sunrise, shall be liable to a penalty not exceeding five pounds nor less than one pound.

Temporary stoppage of traffic for repairs, &c.

114. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

115. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles, or to drag or to trail upon any part of such street or public place, to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damages occasioned thereby.

Throwing filth, &c., on footways, &c.—Killing animals.

116. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or filth or annoyance, or any matter or thing, into any public, water-course, sewer or canal, or in or upon the carriage way, footway or water table of any street, lane, or other public place in the said Municipality, or shall kill any beast, swine, calf, sheep, lamb, or other animal for the purpose of sale, upon any premises, shall on conviction forfeit and pay a fine not less than forty shillings nor more than five pounds, and shall in addition to any such forfeiture pay the cost of removing such filth or obstruction.

Driving carriages, &c., on footways.

117. Any person who shall run, drive, draw, or cause, permit, or suffer to be run, driven or drawn upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, handbarrow or truck, or any hogshead, cask or barrel, or shall wilfully lead, drive, or ride any horse or other beast upon any such footway, shall upon conviction forfeit and pay for the offence a sum not exceeding forty shillings nor less than five shillings.

Placing carriages, goods, &c., on footways, &c.—Not removing when required—Replacing the same after removal.

118. Any person who shall set or place, or cause or permit to be set or placed any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatsoever, in or upon or over any carriage or footway in any street or public place within the said Municipality; or shall place or cause to be placed any coach, cart, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or any carriage upon any such carriage-way or footway, except for the necessary time of loading or unloading, or taking up or setting down any fare, or waiting for passengers when actually lired, or harnessing or unharnessing the horses or other animals; or if any person shall set or place or cause to be placed in or upon or over any such carriage or footway any timber, stones, bricks, lime, or other materials or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of such footway or carriage-way, or over any area of any house or other building or premises, and shall not immediately and permanently remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other proper officer of the Council, shall upon conviction for

every such offence forfeit and pay—for the first offence a sum not exceeding forty shillings nor less than ten shillings, for the second offence a sum not exceeding five pounds nor less than one pound, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than two pounds.

Obstructing public pathways.

119. If the owner or occupier of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant, kept for ornament or otherwise, to overhang any footpath or footway on the side of any such street or road, and, on demand made by the Council, shall not cut, lop, or cause to be lopped, all such trees, shrubs or plants to the height of eight feet at the least, the said Council, by their servants, labourers, and workmen, may cut or cause to be cut or lopped, at the expense of such owner or occupier, all such overhanging trees, plants or shrubs, and to remove or burn any such trees, plants or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Notices not to be painted on pavement.

120. Any person who shall stamp, stain, paint, write, or post any advertisement or notice upon any footway or kerbstones within this Municipality, shall be liable to a penalty not exceeding forty shillings.

Offensive or indecent placards.

121. Any person who shall in any street or place within this Municipality post, expose to view, or distribute any placard, handbill, or other document whatever of an offensive or indecent character, shall be liable to a penalty not exceeding forty shillings.

Placards not to be fixed to walls, &c., without consent.

122. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence, or other erection, nor deface any such wall, house, fence, or erection by chalk or paint, or in any other manner, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding twenty shillings nor less than ten shillings.

No rock to be blasted without notice to the Council Clerk.

123. Any person who shall be desirous of blasting any rock or earth within fifty yards of any road, street, public place, or dwelling, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety, on payment of a fee of five shillings; and if any person shall blast or cause to be blasted any rock or earth within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the Council Clerk, he shall on conviction forfeit and pay for every such offence any sum not less than one pound nor more than ten pounds.

Slop, night-soil, &c., to be conveyed away only at certain hours.

124. Any person or persons who shall drive or cause to be driven any cart or other carriage with night-soil therein through or in any street or public place within the said Borough, between the hours of five o'clock in the morning and ten o'clock at night—or shall fill any cart or other carriage so as to turn over, cast any night-soil, slop, mire or channel-dirt, or filth, in or upon any such street or public place—or shall deposit or cause to be deposited any night-soil or other offensive matter nearer to any street, road or dwelling-house than shall be directed by the said Council or by the Inspector of Nuisances—or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles—or shall cause any vehicle used for this purpose to stand on any premises nearer to any street, road or dwelling-house than shall be directed by the said Council or the said Inspector of Nuisances—shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than one pound; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

125. If the driver of any vehicle whatsoever shall wilfully be at such a distance from such a vehicle, or in such a situation whilst it shall be passing upon any street or road that he cannot have the direction and government of the horse or horses, or by negligence or misbehaviour, prevent, hinder or interrupt the free passage of any other vehicle or person in or upon the said thoroughfare,—every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings nor less than ten shillings.

Riding or driving furiously, &c.

126. Any person who shall ride or drive through or upon any street or public place within the said Municipality so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Injuring or extinguishing lamps.

127. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

128. Any person who shall damage any public building, toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice, bridge, culvert, sewer water-course, or other public property within the said Municipality, shall pay the costs of repairing the same; and if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than one pound.

Persons not to stand or loiter in streets.

129. All persons standing or loitering upon any of the footways or other public places in this Municipality to the inconvenience of the passers-by or in any way interrupting the traffic, and shall not discontinue to do so on being requested by any officer or servant of the Municipal District or any police officer shall upon conviction forfeit and pay a penalty not exceeding five pounds nor less than one pound.

Rubbish.

130. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council or the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

131. All vehicles driven upon any roads, streets, lanes, or thoroughfares within the said Municipality after sunset and before sunrise, shall carry on the off side a lamp to be kept lighted. Any person neglecting to comply with this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds, and not less than ten shillings.

Nuisances.

Dead animals, &c., not to be thrown into any public water-course, &c.

132. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into a public water-course, sewer, or waterhole—or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such water-course, sewer, or waterhole—or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways or streets of the Municipality,—or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, filth of any kind whatsoever to flow into any public water-course, gutter, or waterhole,—or shall obstruct or divert from its channel any sewer, water-course, or creek,—shall on conviction forfeit any sum not exceeding five pounds nor less than one pound.

Swine not to be kept.

133. Any person who shall breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditament situate and being in or within forty yards of any street or public place or any dwelling-house in the said Municipality, shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Cattle, &c., straying in the streets.

134. Any person who shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, or other cattle belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any such street or public place, shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings.

Stables, cow-sheds, and pig-sties.

135. The occupier of any land within this Municipality on which there shall be erected any stable, cow-yard, cattle-shed, or pig-sty, shall cause such premises to be kept in such a state, in respect to cleanliness, as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and there to be in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure to be from time to time removed from such premises, as often as the quantity so collected shall amount to two cubic yards. And if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom as aforesaid, the same shall

be removed by the Inspector of Nuisances, at the expense of such occupier. For an offence against this By-law, any person shall be liable to a penalty of not less than one pound nor more than five pounds.

As to private avenues, &c.

136. Any owner or occupier of any house, place or land within this Municipality who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, or who shall allow stagnant water to become a nuisance on his land shall on conviction forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence; and upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains, of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any person appointed by the Council, shall make an inspection of the premises complained of; and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Cleansing butchers' shambles, slaughter-houses, &c.

137. It shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council, as often as he shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments or manufactories in the Municipality, and to give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him shall seem needful; and any owner or occupier of any such shamble, slaughter-house, tannery, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Placing dead animals on premises.

138. Any person who shall place, or shall cause or suffer to be placed, upon any land or premises within the Municipality any dead animal, blood, offal, night-soil, or any other offensive matter so as to become a nuisance to the inhabitants thereof, shall on conviction suffer and pay a penalty not exceeding five pounds nor less than one pound for every such offence.

Deposit of rubbish, manure, &c.

139. No person shall deposit or cause or suffer to be deposited in or by the side of or on any road, street, right-of-way, lane, passage, water-channel or gutter, or in any creek, or in any other public place within the Municipality, any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung or soil; and no person shall deposit or cause or suffer to be deposited on any land, field or garden within the Municipality any night-soil, blood, offal or other offensive matter or thing without the written consent of the Mayor or Council, and any such offensive matter or thing which shall with such consent of the said Mayor or Council be so deposited, shall immediately on the deposit thereof be covered over by the person depositing the same, with such a quantity of earth as will at once prevent the escape of any noxious or offensive effluvia from any such manure, soil, or other offensive matter before mentioned.

Planting trees.

140. The Council shall have power to plant trees in the streets and public ways of this Municipality, and any person wilfully injuring or destroying any of such trees, or any railing or fence protecting the same shall on conviction forfeit and pay a penalty of not more than ten pounds nor less than two pounds, in addition to the value of the trees, railing or fence so injured or destroyed.

Damaging trees.

141. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub or underwood growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Allowing dead animals to remain on premises.

142. Any owner or occupier of any land or premises who shall suffer or permit any dead animal, blood, offal, night-soil, or any other offensive matter to remain upon the said land or premises after notice shall have been given to remove the same, shall be subject to a penalty not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Various obstructions and annoyances.

143. Every person who in any street or other public place or passage within the Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds nor less than ten shillings:—

- (1.) Every person who shall hoist or cause to be hoisted or lower, or cause to be lowered, goods of any description from any opening in any house fronting any street or public place and close to the footway thereof, without sufficient and proper ropes and tackling,

- (2.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon to the danger or annoyance of any person.
- (3.) Every person who shall place any flower-pot, box, or other thing, in any upper window, near to any street or public place, without sufficiently guarding the same from being thrown out.
- (4.) Every person who shall throw or cast from the roof or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure), when any house or building is being erected, pulled down or repaired.
- (5.) Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bones, cork, or any other offensive substance, to the annoyance of any inhabitant.
- (6.) Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street or other public footway.
- (7.) Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way or use of any private yard, alley, street, or any other place within the Municipality.

Offences against public decency.

Bathing prohibited within certain limits.

144. Any person who shall bathe except in proper costume near to or within view of any inhabited house, or of any bridge, street, road, or other place of public resort, within the limits of the Municipality, between the hours of six o'clock in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding one pound nor less than ten shillings for every such offence.

Noisome and offensive Trades.

No noisome or offensive trades to be carried on to injury of any inhabitants.

145. No person shall carry on any manufacture or trade, in the conducting or carrying on of which, or from the premises where the same is carried on, any gas, vapour, or effluvia, or any large quantities of smoke shall be evolved or discharged, which shall be calculated to injure animal or vegetable life, or in any other way to injure or be a nuisance to the inhabitants of the Municipality; and upon complaint in writing by any householder that any offensive trade is being so conducted or carried on in the vicinity of his or her residence or property as to injure his or her health or the health of any member of his or her family, or be a nuisance to such householder,—the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the Council. And if the Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time as the Council may direct. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be offensive within the time named in such notice as aforesaid, any person conducting or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum of not less than twenty shillings nor more than five pounds, for a second offence a sum of not less than two pounds nor more than ten pounds, and for the third and every subsequent offence a sum not less than five pounds nor more than twenty pounds.

Mode of proceeding when noisome and offensive trade is about to be commenced.

146. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, or operation is about to be commenced or entered upon, which is likely to prove offensive within the meaning of these By-laws, save and except the notice to be given as aforesaid shall be given to the person or persons about to commence or enter upon such manufacture, trade, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming offensive, within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue, any such manufacture, trade, or operation, so that the same shall be in any way offensive within the meaning of these By-laws, shall for every such offence forfeit and pay a sum of not less than two pounds nor more than twenty pounds.

Service of Notice—Liabilities.

147. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, or calling is being carried on, or is about to be commenced or entered upon, or at the last-known place of abode of such occupier or owner, or upon any person on

the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, or operation, within the meaning and for all the purposes of these By-laws.

Damming up without consent.

148. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment in or across any creek or natural water-course, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum of not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment, he shall for every such offence forfeit and pay a sum of fifty pounds sterling.

Disposal of sewage, &c.

149. The Council shall have power from time to time to enforce the adoption or alteration of any system, which to them may appear necessary, for the better regulation, disposal, or treatment of night-soil, sewerage, or other drainage, and may suspend the use or further extension of any system which to them may seem detrimental to public health. Any person refusing to comply with any requisition made under this By-law after receiving notice from the Council or an officer under them, shall forfeit a sum not exceeding five pounds nor less than one pound for each offence.

150. No corpse shall be interred in any existing cemetery now open for burials within 100 yards from any public building, place of worship, schoolroom, dwelling-house, public pathway, street, road, or place whatsoever, within the Municipality. No corpse shall be interred in any new cemetery that may hereafter be opened within the distance of 100 yards from any such public building, place of worship, schoolroom, dwelling-house, public pathway, street, road, or place whatsoever, within the said Municipality; and any person or persons having the charge of any cemetery, or other person or persons who shall knowingly inter, or cause or permit to be interred, any corpse within the Municipality contrary to the provisions of this By-law, or otherwise commit a breach thereof, shall for such offence be liable to any penalty not exceeding fifty pounds nor less than five pounds, and for every subsequent offence to any penalty not exceeding the first-mentioned amount and not less than ten pounds.

Making By-laws.

151. No By-law shall be passed until it has been reported upon by the By-law Committee.

Made and passed by the Municipal Council of the Municipal District of Kogarah, this twenty-fourth day of March, A.D. 1890.

This seal was affixed by order of the Council.

(L.S.) P. HERRMANN,
E. T. SAYERS, Council Clerk. Mayor.

BY-LAWS made by the Municipal Council of Kogarah in accordance with the provisions of the "Nuisances Prevention Act, 1875."

1. No persons shall hereafter be permitted to have on their premises any gutter, drain, or well which may be adjudged by the Council to be injurious to the health, or which may hereafter be made or constructed or placed contrary to the provisions of the "Nuisances Prevention Act of 1875," or to any of these By-laws.

2. No persons shall hereafter be permitted to have on their premises any cesspits or closets which shall be adjudged by the Council to be (1) injurious to public health, or (2) to be opposed to decency by exposure or otherwise, or (3) which may present obstacles to the emptying or cleansing of cesspits, or (4) which may hereafter be made or constructed or placed contrary to the provisions of the "Nuisances Prevention Act of 1875," or to any of these By-laws.

And for the purposes of this By-law, the following shall be deemed to be contrary thereto:—

- (a) All cesspits excavated in the ground and not bricked and cemented at the sides and bottom.
- (b) All cesspits constructed within 20 feet at the nearest point from the nearest part of any well.
- (c) All cesspits constructed within 30 feet of any street, or within 5 feet of any lane or other thoroughfare.
- (d) All closets or cesspits which are not enclosed by a close fence, constructed of paling or other material to a height of five feet at least.
- (e) All closets or cesspits which may from their construction be liable to leak or soak into the adjoining soil.

(f) All cesspits constructed within 20 feet of any tenement now or hereafter to be erected.

3. No person shall be permitted to cover up or cause to be covered up any existing cesspit with earth or other material covered up any existing cesspit with earth or other material unless and until the same shall be properly emptied by the person appointed by the Council for that purpose. Any person offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than two pounds.

4. A separate closet shall be provided for every tenement, in schools or factories, where a number of persons are employed. separate closets shall be provided for each sex, with a door to fasten on the inside; where two or more closets adjoin each other there shall be a dividing wall between each to effect complete separation; and any person offending against any of the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds for each such offence.

5. No pan or bucket used as a receptacle in a dry-earth closet shall exceed in measurement more than one and a half cubic feet.

6. Any person desirous of having the Council's contractor to attend to their premises for the removal of refuse from a dry-earth closet, must provide a galvanized iron pan or bucket to hold such refuse, with two handles, and not of a larger capacity than to hold one and a half cubic feet.

7. All night-soil shall be removed by the contractor to the Council in carts to be constructed in an approved and water-tight manner to the satisfaction of the Council, and between the hours of 11 p.m. and 5 a.m. The contractor shall convey the same without delay to an appointed depot, and shall dispose of the same by burying in the earth to a depth of two feet from the top of the night-soil and covering with earth, so as to prevent any nuisance. And any contractor neglecting to comply with this By-law shall forfeit and pay a sum not exceeding twenty pounds and not less than ten pounds for every such offence.

8. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets, which shall be emptied as often as may be necessary in the opinion of the Inspector of Nuisances. And no person shall remove such night-soil unless appointed so to do by the Council or permitted under By-law 11 hereafter.

9. No person shall hereafter make or place any cesspit upon any part of his premises, nor place any closet upon any part of his premises which may not be fenced off from any public street, lane, or thoroughfare, or adjoining property by a paling or other close fence at least five feet high, and distant from such street, lane, or thoroughfare at least twenty feet, and any person so offending against this By-law shall be liable to a penalty of not exceeding twenty pounds nor less than two pounds. And in case of breach of this By-law by any person, the Inspector of Nuisances is authorized to remove such closet and fill up such cesspit, and thereupon the person so offending shall also be liable to pay all expenses incurred thereby, to be recovered as in the said Act provided.

10. When any new building is about to be erected, the builder thereof shall first erect and fence off with a close paling fence five feet high on the premises a temporary closet, not less than three feet by two feet six inches for the use of the workmen employed on such building, and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds and not less than two pounds.

11. Persons requiring the cesspits or closets on their premises to be emptied shall send written notice to the Inspector of Nuisances, and any person desiring to use the contents of any dry-earth closet may be permitted to do so upon request in writing, and upon making proper provision for emptying the same to the satisfaction of the Inspector of Nuisances: Provided that such permission shall be in writing from the Council, and signed by the Inspector of Nuisances.

12. No person shall permit, or cause or suffer to be permitted, or conceal any nuisance by the careless use of any closet, or by the careless emptying of the same. And any person so offending against this By-law shall be liable to a penalty not exceeding five pounds nor less than two pounds.

13. Written notice must be given to the Council or the Inspector of Nuisances by all persons about to construct new, or alter existing closets, to enable the Inspector to visit and report on the same, under a penalty for neglect not exceeding five pounds and not less than two pounds. And all closets constructed without such notice given must be removed or altered, if judged necessary by the Council, under a further penalty not exceeding two pounds nor less than five shillings for each and every day they may remain unremoved or unaltered after due notice to that effect.

14. The maximum penalty for a breach of any of these By-laws shall in each case be ten pounds, and the minimum penalty two pounds, unless otherwise provided for.

Made and passed by the Council of the Municipal District of Kogarah, this twenty-fourth day of March, A.D. 1890.

This Seal was affixed by order of the Council.
(L.S.) P. HERRMANN,
Mayor.

E. T. SAYERS, Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(BOROUGH OF NORTH SYDNEY—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 6th September, 1890.

BOROUGH OF NORTH SYDNEY.

THE By-laws in force in the Borough of St. Leonards at the time of the union of the Municipalities of St. Leonards, East St. Leonards, and Victoria, under the name of the Borough of North Sydney, having been, by a notification in the Government Gazette of the 2nd instant, declared to be in force in the united Municipality, being contained in the Supplementary Government Gazettes No. 324, of the 4th June, 1887, No. 382, of the 25th July, 1889, and No. 113, of the 27th February, 1890, respectively, are published in pursuance of the requirements of the "Municipalities Act of 1867."

HENRY PARKES.

Colonial Secretary's Office,
Sydney, 4th June, 1887.

BOROUGH OF ST. LEONARDS.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of St. Leonards, under the provisions of the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

BY-LAWS for regulating the proceedings of the Council of the Borough of St. Leonards and the duties of the officers and servants of such Council; for preserving order at meetings of the Council; for determining the times and modes of collecting and enforcing payment of rates, and other moneys due for penalties or other charges; for preventing and extinguishing fires; for suppressing nuisances and houses of ill-fame; for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement; compelling owners and residents to keep their premises free from offensive or unwholesome matters; opening and naming new public roads, ways, and parks; aligning and cleansing roads and streets; regulating the supply and the distribution of water, sewerage, and drainage; preserving trees and shrubs; regulating free libraries; preventing or regulating the bathing or washing the person in any public water near a public thoroughfare or place; preserving public decency; providing for the health of the Municipality, and against the spreading of contagious or infectious diseases; restraining noisome and offensive trades; regulating, controlling, and managing the public reserves within the Borough, and for planting and preserving trees and shrubs therein; and generally maintaining the good rule and government of the said Borough.

PART I.

PROCEEDINGS of the Council and Committees.—Preservation of order at Council Meetings.—Duties of officers and servants, &c.

By-laws repealed.

1. All existing By-laws of the Council of the Borough of St. Leonards, published in the Government Gazette from time to time prior to the adoption of the following, shall be and are hereby repealed.

Meetings of the Council.

Ordinary meetings.

2. The Council shall meet for the despatch of business at the hour of 7-30 p.m. on the first and third Tuesday in every calendar month, unless such day shall happen to be a public holiday. In the latter case, the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.—Adjournment for want of quorum.

3. If at any meeting of the Council the Mayor be absent at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the members present shall be taken down and recorded in the minute book.

Order of Business.

Business of ordinary meetings.

4. The following shall be the order of business at all meetings of the Council other than special meetings:—

1. The minutes of the last preceding meeting to be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Petitions (if any) to be presented and dealt with.
3. Correspondence to be read, and, if necessary, ordered upon.

4. Reports from Committees and minutes from the Mayor (if any) to be presented and ordered upon.
5. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees of officers to be made.
6. Matters which have been specially ordered to be placed on the business paper by the Mayor.
7. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
8. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

Provided that it shall be competent to the Council at any time, by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

5. At special meetings of the Council, the business, after the minutes shall have been read and verified, which shall be done in the same manner as at an ordinary meeting, shall be taken in such order as the Mayor, or the Aldermen at whose instance such special meetings shall have been called, may have directed.

Business paper for ordinary meeting—how prepared.

6. The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk, or other person acting as his substitute, not less than forty-eight nor more than seventy-two hours before the day appointed for such meeting. He shall enter on such business paper a copy or the substance of every notice of motion and of every requisition or order as to business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 4 of this "Part" of these By-laws, in the same order as such notice, requisition, or direction shall have been received.

Business paper for special meeting.

7. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Summons to members.

8. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

9. The business paper for each meeting of the Council shall, at such meeting, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of, unless withdrawn before business paper made up.

10. All notices of motion, and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matters of business for the consideration of the Council at its then next or any future meeting, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the minute book of the manner in which such matter has been so disposed of shall have been duly verified as required by section 3 of this "Part" of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up, all notices, &c., to be the property of the Council.

11. After the business paper shall have been made up as aforesaid, all the said notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and Amendments.

Motions—how to be moved.

12. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

13. No motion of which notice shall have been entered on the business paper shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-named Alderman.

Motion to be seconded.

14. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

15. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

16. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

17. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

18. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

19. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

20. No discussion shall be permitted on any motion for adjournment of the Council; and if, upon the question being put on any such motion, the same be negatived, the subject then under consideration, or the next in order on the business paper, or any other on such paper that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be receivable.

Requisitions from Aldermen how to be dealt with.

21. Every requisition by an Alderman, that any particular matter of business be brought before the Council, shall be regarded and treated as a notice of motion by such Aldermen that such business be taken into consideration by the Council. And he shall be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit in reference thereto, which shall be consistent with the notice of such business and with good order. And if such Alderman be absent, or, if being present and so called upon, he shall make no such motion, then it shall be open to any other Alderman to make such motion. And when any such motion shall have been made, it shall be dealt with in precisely the same manner as if notice thereof had been given, subject, however, to any objection which may exist as to its not being in accordance with the notice actually given of such business, or with good order; and if no notice shall be made in reference to such business, the entry relating thereto shall be struck from the business paper.

Orders of the Day.

Of what orders of the day shall consist.

22. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or any Committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

23. Section 21 of this "Part" of these By-laws shall be considered applicable to orders of the day. And the Alderman who has the usual charge of, or who has previously moved in reference to, the particular business to which any such order of the day relates, shall be the person called upon to move.

Petitions.

Petitions to be respectfully worded.

24. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

25. All petitions shall be received only as the petitions of the parties signing at the same time.

How Petitions are to be dealt with.

26. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that it be received and referred to one of the permanent Committees hereinafter mentioned, or to some special Committee appointed to consider and report on the same; or that it be received, and that its consideration stand an order of the day for some future meeting: Provided however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

*Correspondence.**Duties of Mayor as to correspondence.*

27. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 24 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 26 to apply to letters.

28. Section 26 of this "Part" of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

Letters sent not to be discussed, but every letter may be subject to motion.

29. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor or by any officer of the Council, and copies of which may be read to such Council: Provided, however, that any notice of motion, consistent with good order, may be entertained with reference to any such letters, whether read or not, or with reference to any letters addressed to the Council, which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

*Reports from Committees and Minutes from the Mayor.**Form of Report.*

30. All reports from Committees shall be written on foolscap paper with a margin of at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of same.

Mayor's minute.

31. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written upon paper of any kind, and with the same margin as a report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with.—Duties of Chairman, &c., in certain cases.

32. No motion shall (unless as hereinafter provided) be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without any due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction as aforesaid as will enable such Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Report of Finance Committee on payment of accounts.

33. The adoption of the report of the Finance Committee on the payment of accounts shall take precedence of every other report.

*Questions and Statements.**Limitations as to questions and statements.*

34. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 4 of this "Part" of these By-laws.

Notice to be given.

35. Four clear days' notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to

other persons or to documents: Provided, however, that nothing herein contained shall prevent any question being put and answered without notice, by the permission of the Mayor and Council.

Answer not compulsory.

36. It shall not be compulsory upon any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

37. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

38. Every such statement must be made without argument.

No discussion on question, &c.—Rights of objection and of subsequent motion reserved.

39. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

*Order of Debate.**Mode of addressing the Council, &c.*

40. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while so doing, stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or officer to be questioned, and may be replied to in like manner; but in every such case the question so put and the answer thereto shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions, when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

41. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speeches, &c.

42. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than mover of such original motion, shall have a right to speak once upon such motion and on every amendment thereon. No Alderman shall speak upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observation than may be necessary for the purpose of such explanation.

Mover and seconder.

43. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Limited time of speaking on motion or amendment.

44. No Mayor, Chairman, or Alderman shall speak upon any motion or amendment for a longer time than ten minutes except by permission of the Council.

Speaker not to digress, &c.

45. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to, any other Alderman.

Adjournment of debate.

46. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

47. If two or more Aldermen rise to speak at the same time the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Aldermen may require questions to be stated, &c., under certain restrictions.

48. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made bona fide it shall not be complied with.

Mayor or Chairman not to move or second motion, &c., but may address Council thereon.

49. The Mayor or Chairman shall not move or second any motion or amendment, nor put any question, as provided for by section 4 of this "Part" of these By-laws, except as is further provided for by the section 39 of the same. But such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

Questions of Order.

Mayor or Chairman to decide points of order.

50. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

51. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any other language which according to the common usage of gentlemen would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call Member to order.

52. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any Member may raise question of order.

53. Every member of the Council shall have the right of calling the attention of the Mayor or the Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member may consider out of order.

Mode of proceeding thereon.

54. A member called to order shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or if such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be reopened: And provided further that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinbefore provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

55. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting upon the same.

Motion out of order to be rejected—Members to explain, retract, or apologize, &c.

56. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalties for persisting in disorderly conduct.

57. Any member of the Council who shall have been called to order, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required so to do, or who shall be guilty of any other act of disorder, as defined in section 49 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology as a majority of the Aldermen then present shall consider satisfactory, shall be liable, on conviction for the first offence, to a penalty of not less than ten shillings nor more than five pounds; and on second conviction for the like offence he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on the third conviction and for every further conviction for the like offence he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council as to laying down general rules &c.

58. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by motion on notice, respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar questions of order or of practice which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties, unless and until it be rescinded, but shall have no retroactive operation: Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which, in his opinion, is contrary to law.

Mode of Voting.

How questions are to be put.

59. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalty for refusing to vote.

60. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative, and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for, and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may, under certain circumstances, be expunged.

61. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute-book; but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Rules applicable to business in Committee.

62. The following sections of this "Part" of these By-laws shall (except as is herein excepted) be taken to apply to the conduct of business in committee of the whole Council, namely—sections 15 (except that it shall not be necessary that any motion or amendment in Committee shall be seconded), 16, 17, 18, 19, 39, 40, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, and 60

Disorderly conduct in Committees.—Refusal to vote.

63. Whenever any member of the Council shall, while the Council is in Committee of the Whole, be considered guilty of an offence against good order within the meaning of section 54 of this "Part" of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried, such matter shall be reported accordingly, and an entry of such report shall be made in the minute-book; and whenever any

Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 60 of this "Part" of these By-laws, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute-book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the Whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

64. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provision of section 50 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried, such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported, &c.

65. Any Alderman may at any time during the sitting of a Committee of the whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day; or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

66. All reports of proceedings in Committee of the whole Council shall be made to the Council, *viva voce*, by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making of any such report as aforesaid it shall not be necessary to report any such proceedings *in extenso*, but only to state the result, general effect, or substance of such proceeding.

How reports are to be dealt with.

67. All such reports of proceedings in Committee of the whole Council shall be recorded in the minute-book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid, and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 63 of this "Part" of these By-laws of disorderly conduct in Committee, or under section 60 of this "Part" of these By-laws, of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such fact, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

68. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Mode of proceeding.—Such call compulsory in certain cases.

69. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion which may be made under section 56 of this "Part" of these By-laws, and of every motion for the rescission of any resolution, order, or decision of such Council.

Mode of proceeding.

70. The call shall be made immediately before the motion or business for which such call has been ordered, or is required to be made by the last preceding section, shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all members in their alphabetical order; each member present shall answer to his name as so called; and if any members are absent a record shall be made of such absence; but if leave of absence to any such member shall have previously been granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

71. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent and not so excused, shall fail to show that by reason of extreme illness or any other sufficient cause he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

Standing Committees.

72. There shall be five Standing Committees, namely—a By-law Committee, a Committee for Works, a Finance Committee, a Parks Committee, and a Committee for General Purposes. These Committees shall be reappointed every year, at the first meeting of the Council which shall be holden after the election of the Mayor.

Constitution of Standing Committees.

73. Each of the three Committees first named in the last preceding section shall consist of three members, of whom one shall be taken from among the Aldermen of each Ward. The Parks Committee shall consist of three members chosen from any of the Aldermen, irrespective of the Wards they represent. The Committee for General Purposes shall consist of the Chairmen of the three said first-named Committees.

Mode of reappointing Standing Committees.

74. The reappointment of the three said first-named Committees may, on resolution of the Council, be made by ballot. In such a case a list or lists of the members for each Ward shall be handed to each member then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong. And the Mayor or Chairman shall thereupon examine such list so marked, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to any one of such first-named Committees, such Mayor or Chairman shall decide which of such members shall be appointed to such Committee.

By-law Committee.

75. The By-law Committee shall prepare for the consideration of the Council, drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws and of any statute of which the operation has been or may be extended to the Borough; and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Works.

76. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, and bridges under the care and management of the Council, with the exception of any reserves set apart, or dedicated by the Government and Executive Council for recreation or other public purposes. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

77. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or to be likely to affect, the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Parks Committee.

78. The Parks Committee shall have the care, custody, and control of all public reserves and other public places under the care and the management of the Council; and all works ordered or sanctioned by the Council to be made therein shall be under their general direction. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

79. The Committee for General Purposes shall take cognizance of every matter, subject or question within the jurisdiction of the Council not coming within the province of one or other of the before-mentioned Standing Committees, and shall from time to time inquire into and report upon any such subject, matter, or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

80. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution of the Council; and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary, through an equality of votes, to decide as to which of two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

81. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Term of service in Committees.

82. Appointments to the By-law Committee, the Committee of Works, the Finance Committee, and the Parks Committee shall be for the whole municipal year. The Chairman of these four Committees, as appointed to or removed from the chairmanship of the same, shall be thereby and without any further order regarded as having been appointed to or removed from the Committee for General Purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 109 and 110 of the Municipalities Act of 1867; and that so much of this By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Committee Meeting, how called.

83. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Records of transactions in Committee.

84. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent matters cost of all work to be estimated before undertaken.

85. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Borough shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expenses—Expenses authorized to be reported.—Outlay to be in accordance with orders of the Council.

86. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Work, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
2. By order of the Mayor for necessary current expenses, to the extent of ten pounds.
3. By order of the Mayor and any two Aldermen, or without the Mayor, of four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

All claims to be examined and reported upon by Finance Committee.

87. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's order.—Certificate to be attached to report.

88. No payment shall be so ordered unless there shall be a certificate memorandum from the Committee, Mayor, or officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons for its non-fulfilment, before recommending payment: Provided, however, that such special report as last herein mentioned may be embodied with a report by which payment of the amount in question is recommended: Provided also, that in cases of special expenditure under section 83 of this "Part" of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate: And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at fixed rates of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for the payment of such amount, shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorizations shall be attached respectively to the reports from the Finance Committee on the payments or outlays to which such certificates, memoranda, or authorizations have reference.

Common seal and records of the Council.

Common seal and press how secured.—Care of same.

89. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and the care of the Council Clerk.

When and how common seal to be used

90. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or, in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected.

91. The Council Clerk shall keep such books of account and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also, to report to the Council, from time to time, any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined.—Provisions for proper keeping of the same.

92. The minute book, letter book, and all rate and assessment books, books of account, records, statements, and memoranda of receipts and expenditure, electoral rolls and other records relating to elections, business papers, reports from Committees, minutes from the Mayor, petitions, letters on municipal business, addressed to the Council or to the Mayor, or to any officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records other than the minute book and other books, and other than electoral rolls and other records relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Council Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered, to which there is any reference in the minute book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council,

or a report has been brought up by any Committee thereof, in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records.

Impression upon seal not to be taken, &c., without leave of Council.—Penalties.

93. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable, on conviction, for the first offence to a penalty of not less than five shillings nor more than two pounds; for a second offence, to a penalty not less than one pound or more than ten pounds; and for a third and every subsequent offence, to a penalty of not less than five pounds or more than twenty-five pounds.

Impression of seal not to be taken, &c., without leave of Council.—Penalties.—Records not to be removed, &c.—Penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matter of evidence.

94. Any person removing any such book or other record of the Council, as aforesaid, from the Council Chamber, or the place where, by direction of the Council, such book or other record is usually kept, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal, as hereinafter provided, shall, for every such offence, be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record as aforesaid, and shall not have returned the same, to prosecution for stealing such book or record, or to an action at law for detention of the same, as the circumstances of the case may warrant: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk by the Mayor, in order that such Clerk may post up entries, prepare returns, or perform any other duty which it may be necessary that he should perform; also, that the Mayor, or the Chairman of any Committee, or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution at suit at law by, against, or at the instance of the Council; but in all such cases, such Council Clerk, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be carefully preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed: And provided also, that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a Court of law shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as may be, and shall, before removing the same, leave at the Council Chamber a receipt for such book or other record as aforesaid; and every such person so temporarily removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

95. Any person destroying, defacing, or altering any record of the Council shall, for every such offence, be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

Notice to candidates in certain cases.

96. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications for qualified candidates for the same; the salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

97. Every such appointment shall be made by ballot, in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

98. Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried office or servant of the Corporation to any other permanent office or employment at the disposal of the Council to which no further salary is attached; or to prevent the appointment in like manner to any such office or servant to any other office or employment of which the duties require only

occasional attention, and are to be paid by allowances proportionate to the extent of such duties; or to prevent any similar appointment or employment by the Mayor or by any Committee or officer of the Council under the authority of any By-laws; or to prevent the employment as may be from time to time found necessary, as may be ordered by the Council, of any workmen or labourers on the public works of the Borough.

Bonds for good conduct.

99. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the Council Clerk or the Bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

100. The Council Clerk, in addition to the duties which, by the Municipalities Act of 1867 or by the present or any other By-laws thereunder, he may be required to perform, shall be the Clerk of all Revision Courts held in the Borough under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may, by order of the Council (as hereafter provided), be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor; and shall, when ordered by the Mayor or Finance Committee, make a half-yearly return of the revenue and expenditure.

Duties of Treasurer, &c.

101. Any officer of the Council, other than the Council Clerk, may have any records of the Council, other than those mentioned in section 90 of this "Part" of these By-laws, committed to his charge by an order of the Council, and he shall in such case be responsible to the Council for the safe keeping of such records.

Duties of other officers and servants.

102. The duties of all officers and servants of the Corporation shall be defined by such regulations as may, from time to time, and in accordance with law, be made, as follows, viz:—As to the duties of the Council Clerk other than those under section 90 of this "Part" of these By-laws, and his assistance (if any)—by the Mayor or Council. As to duties of the Council Clerk under section 91 of this "Part" of these By-laws, of all collectors of rates, bailiffs, bailiff's assistants, and other officers and servants employed in about the collection of revenue, whose superintendence is not hereinafter specially entrusted to any other Committee—by the Finance Committee. As to all surveyors, architects, clerks of works, overseers, inspectors of water supply, sewerage, or drainage, or other officers and servants employed in and about the public works of the Borough, and in the supply of water therefor or the sewerage or drainage thereof, whose superintendence is not herein specially entrusted to any other Committee—by the Committee of Works. As to the attorney for the Corporation, Inspector of Nuisances, and other officers and servants employed in and about the carrying out and enforcement of the general provisions of the Municipalities Act of 1867, and of any other statute of which the operation has been extended to the Borough, and of the By-laws for the general good government of such Borough, whose superintendence is not herein specially entrusted to any other Committee—by the By-law Committee. As to managers, overseers, workmen, and other officers and servants employed in and about any public reserves and other public places under the care and management of the Council—by the Parks Committee. And as to librarians, managers of public institutions under the charge of the Council, and all other officers or servants employed in or about any matter over which the Council has control, and whose superintendence is not herein specially entrusted to any other Committee or to the Mayor—by the Committee for General Purposes: Provided that all such regulations shall be in writing, and shall be in all cases laid before the Council at the first meeting thereof, which shall be holden after the making of any such regulations, and shall be in strict accordance with any such orders or directions as may have been at any time given by such Council touching the matters to which any such regulations may have reference.

Special powers of Mayor.

103. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is so on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statements, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered viva voce or put into writing, as the Mayor may direct:

How complaints against officers be dealt with.

104. All complaints against officers or servants of Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing, or is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the case before the Council, shall have power to investigate the same. And if any such complaint be made to the Council or to any member or officer thereof, it shall be referred to, and investigated by, the Mayor before it shall be in any way (otherwise than by such reference) ordered upon or dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaints, with all reports, explanations, and information as aforesaid, in connection therewith, and the Mayor's statement as aforesaid thereon, shall be laid before the Council at the next meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided, further, that nothing herein contained shall be held to effect in any way the special power conferred upon the Mayor by section 152 of the Municipalities Act of 1867, or any other special power which now is, or hereafter may be, conferred by statute upon such Mayor.

Miscellaneous.

Leave of absence.

105. No leave of absence shall be granted to the Mayor or to any Alderman, otherwise than by a resolution of the Council, adopted after due notice.

Motions for rescission of previous orders, &c.

106. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the reconsideration and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after the notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

107. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

108. Such suits or information for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute, the operation of which may have been extended to the Borough, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid, shall be so commenced or laid as follows, namely:—When against a member of the Council or an Auditor or any officer of the Corporation—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted, and if there shall be no such officer, then by any such officer or person as shall be appointed for that purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceedings be taken against any officer of the Council, except on the order of such Council or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on the merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of calling for tenders.

109. Whenever it is decided that any work shall be executed, or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

110. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same; and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

How notices are to be published.

111. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed, or proposed to be made, done, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same twice in some newspaper circulating in the Borough.

Persons obstructing officers of the Council.

112. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language, towards the said officer, in any street, road, or other place within the said Borough, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

Mode of proceeding in cases not provided for.

113. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend, temporarily, certain portions of this Part of these By-laws.

114. Any such section or sections of this "Part" of these By-laws, or any portion or portions of such sections or section as are not hereinafter excepted, may be suspended by resolution on notice at any meeting of the Council: Provided that there shall be a distinct statement in every such resolution, and in the notice of the motion whereon the same shall have been adopted, of the purpose for which such suspension is required, and that for every separate matter or business as to which such suspension is so required there shall be a separate resolution as aforesaid: And provided also, that the following sections hereof shall never be suspended, nor shall any one of them, nor any portion of any such sections, be suspended on any pretence whatever, namely:—Sections 6, 7, 8, 9, 10, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 36, 40, 41, 44, 45, 47, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 84, 85 to 94 inclusive, 98, 101, 102, 103, 104, 105, 107, 108, 109, 110, and 112.

PART II.

Collection and enforcement of Rates.—Times and modes of Collection.

Rates under sec. 164 of the 31st Vic. No. 12 to be collected half-yearly.

1. All rates levied or imposed by the Council under the provisions of section 164 of the Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by annual or half-yearly instalments, as the Council shall from time to time direct, and shall be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution, at the time of making or imposing such rates, or any of them, have appointed.

Office hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council by resolution from time to time for that purpose.

Defaulters.

4. Every person not paying his or her rates as aforesaid within thirty days after the day so appointed as aforesaid for payment thereof, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons so in default.

Mayor to enforce payment.

5. It shall be the duty of the Mayor either to issue distress warrants against all such persons so in default as aforesaid, and to cause such warrants to be enforced, or to cause such defaulters to be sued for the amount of such rates in a Court of competent jurisdiction.

Enforcement by Distress.**Bailiff.**

6. A bailiff shall, when found necessary, be appointed by the Mayor.

Bailiff's sureties.

7. The bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of £25 each, for the faithful performance of his duty.

Duty of Bailiff.

8. It shall be the duty of the bailiff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Borough as the bailiff may think proper to remove them to for such purpose; and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner.

Inventory.

11. At the time of making a distress, the bailiff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the bailiff shall give a copy of the inventory to the ratepayer on demand, at any time within one month after making such distress.

Goods may be impounded.

12. The bailiff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained of what nature or kind soever, in such place or places, or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same, on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold; and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the bailiff for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.**Warrant of distress.**

I, _____, Mayor of the Borough of _____, do hereby authorize you _____, the bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, for _____, being the amount of rates due to said Borough to the _____ day of _____, for the said dwelling-house (or land, or premises, as the case may be) and to proceed thereon for the recovery of the said rates according to law.
Dated this _____ day of _____, 188 ____.

Mayor.

SCHEDULE B.**Inventory.**

I have this day, in virtue of the warrant under the hand of the Mayor of the Borough of _____, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Borough, for _____, being the amount of rates due to the said Borough to the _____ day of _____, 188 ____.

SCHEDULE C.**Costs.**

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy where the sum is not more than £20	0	6
Above that sum, in addition to every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day, or part of a day	5	0
For sale, commission, and delivery of goods, per pound on proceeds of the sale.....	1	0

PART III.**Preventing and Extinguishing Fires.****Fire or combustible materials, &c.**

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, work-shop, out-offices, or other premises, fire, gunpowder, or combustible, or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall, on conviction for every such offence, forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible, or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

2. Any person who shall wilfully set fire to any inflammable matter whatever, in the open air, within five yards of any dwelling-house or other building, or boundary or dividing fence, within the said Borough, without having given notice in writing to the occupiers of the lands or premises adjoining the lands or premises upon which such matter shall be, of his intention so to do, or shall wilfully set fire to such inflammable matter as aforesaid between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds nor less than one pound.

Fireworks.

3. Every person who shall light any bon fire, tar barrel, or firework upon or within 20 feet of any public or private street, or any public place, shall forfeit a sum not exceeding five pounds.

Negligently suffering chimneys to be on fire.

4. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Stipendiary Magistrate before whom the case is heard, that such fire was in no wise owing to the omission or carelessness, whether with respect to cleanse such chimney or otherwise, of himself or his servant.

Burning shavings, &c., in the streets.

5. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Borough shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

PART IV.**Streets and public places.—Public health and decency, &c.****New Roads to be reported upon.**

1. No new public or intended public road, street, lane, way, park, reserve, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, lane, way, park, reserve, or other place as aforesaid shall have been formed by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works or some officer of the Council duly authorized in that behalf, or until the said road, street, lane, way, park, reserve, or other place as aforesaid shall have been duly examined by the Committee of Works or such duly authorized officer as aforesaid, and reported upon to the Council by such Committee or duly authorized officer as aforesaid.

Plan of proposed new roads, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Borough shall open any road, street, lane, or way, or lay out any park, reserve, or other place for public use or recreation through or upon such land, and shall be desirous that the

Council shall undertake the care and management of such road, street, lane, way, park, reserve, or other place, he, she, or they shall furnish the Council with a plan or plans, signed by himself, herself, or themselves, showing clearly the position and extent of such road, street, lane, way, park, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council shall determine to take charge of any such road, street, lane, way, park, reserve, or other place as aforesaid, the plan or plans, so signed as aforesaid, shall be preserved as a record or records of the Council; and the proprietor or proprietors aforesaid shall execute such further instrument, dedicating such road, street, lane, way, park, reserve, or other place to public use or recreation as aforesaid as may be considered necessary by the Council; and such further instrument or dedication shall also be preserved as a record of the Council.

Roads and streets and encroachments thereon, &c.

4. The Committee for Works, or the Surveyor of the Borough, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, ways, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, ways, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, way, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such Committee for Works, or Surveyor, or other officer or person as aforesaid, to place or cause to be erected, posts at the corners or intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footway on each side, where the road, street, lane, way, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council, in any such road, street, lane, way, or thoroughfare, or other public place, of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further, that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1881."

Change of street levels.

5. Whenever it may be deemed necessary to alter the level of any such public road, street, lane, way, or thoroughfare as aforesaid, the Committee for Works shall cause a plan and section, showing the proposed cuttings, to be exhibited at the Council Chamber for fourteen days, for the information and inspection of ratepayers, and shall notify, by advertisement in some newspaper circulating in the Borough, that such plan is so open to inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk. And such plan and section, so signed and countersigned, shall be a record of the Council.

Footway or pathway, when flagged or asphalted, not to be interfered with without permission.

6. Whenever the footway or pathway in front of any house or ground, along any road, street, private street, or lan within the Borough, has been flagged or asphalted by the Council, the same, and the asphalt or flagging thereon, shall not be removed, taken up, or otherwise interfered with by any person whomsoever without the permission of the Mayor or Committee for Works first being had and obtained. And every person removing, taking up, or otherwise interfering with such footway or pathway, or the flagging or asphalt thereon, without first obtaining the permission of the Mayor so to do, and every person wilfully or maliciously injuring or destroying such footway or pathway, or the asphalt or flagging thereon, shall on conviction forfeit and pay for every such offence any sum not exceeding ten pounds and not less than five shillings.

Erection of house, fee for permission, &c.

7. Every person intending to erect or put up any fence, house, shop, or other erection or building, in, upon, or near to any road, street, lane, passage, thoroughfare, place, or premises within the Borough shall, either by himself or by his contractor, serve or cause to be served seven days notice in writing on the Mayor or Council Clerk or other duly authorized officer before commencing the same, stating his intention, and describing the proposed situation of the proposed fence, house, shop, or other erection or building, and shall at the time the said notice is given as aforesaid, pay unto the Council Clerk or other duly authorized officer a fee of five shillings for permission to erect any such fence, or any such house, shop, or other erection or building; and every owner of every such fence, house, shop, or other erection or building who shall, by himself or his contractor, commence to put up or erect any such fence, house, shop, or other erection, or building, without having first

given such notice as aforesaid, or without having paid such fee as aforesaid, shall be liable to forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Pipes, gutters, &c.

8. It shall not be lawful for any person to carry, by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house upon any of the footways of any road, street, lane, or public place within the Borough. Any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required so to do by any officer of the said Council, shall on conviction forfeit and pay any sum not exceeding twenty shillings nor less than five shillings: Provided that the owner or occupier of any such premises or house may convey any such rain-water by means of pipes laid under the surface of any such footways into the gutter adjoining the same, and subject to the approval of the Committee for Works or some officer of the Council duly authorized in that behalf.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any verandah, portico, or balcony to project beyond the building line of any street, road, lane, or thoroughfare, except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may be hereafter added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding two pounds nor less than one pound, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street, road, or thoroughfare less than 30 feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

10. The Surveyor or other officer or person duly authorized by the Council in that behalf may at any time, on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, passage, thoroughfare, or public place under the charge of the Council. Notice shall in this case be served either personally, or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same, or caused it to be erected.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its Overseer of Works or other proper officer duly appointed in that behalf, and at the cost of the person so offending (provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds), or at the Council's option, to proceed against the offender for the breach of this By-law, the penalty for the first offence not to exceed twenty-five pounds nor to be less than one pound; and in case of the second and every successive offence, the penalty on conviction not to be less than two pounds nor more than twenty-five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the Overseer of Works or other officer of the Council as aforesaid, or any person acting for or under him or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Overseer of Works or other such officer as aforesaid, shall on conviction forfeit and pay a penalty of not less than two pounds, nor more than twenty pounds.

Hoards or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Borough, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street, road, passage, thoroughfare, or public place, or any part thereof will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail, if there be room enough to

leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the Overseer of Works or other officer of the Council of the Borough duly appointed in that behalf, during such time as the public safety or convenience requires, and shall, in all cases in which it is necessary, in order to prevent accidents, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise; and every such person who shall fail to put up such fence, or hoard, or platform with such hand-rail as aforesaid, or to continue the same respectively standing in such good condition as aforesaid during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise, or who shall not remove the same when directed by the Overseer of Works or such other officer of the Council of the Borough within a reasonable time afterwards as aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

15. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or foot way of any street, road, lane, or other public place within the said Borough, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage such carriage or foot way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

16. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left, any hole adjoining or near to any street, road, lane, passage, thoroughfare, or public place within the said Borough, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works or Foreman of Works of the said Borough, or shall keep up or cause to be kept up and continued, any such enclosure, for any time which shall be longer than shall be absolutely necessary in the opinion of the said Committee, and shall not place lights on each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding ten pounds.

Open spaces and steps adjoining the footways to be enclosed, under penalty.

17. Every owner or occupier of any land, house, building, or premises within the said Borough, having any entrance, area, garden, or other open space, or any vacant building lot, waterhole, quarry, excavation, or opening in the ground adjoining or near to any footway of any street, road, lane, passage, thoroughfare, or public place in such Borough, or within six feet of any such footway, shall protect and guard the same by good and sufficient five feet paling fence at the least, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land, having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted for any such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner and occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.—Penalty.

18. Every person who shall have a well or underground tank, used for domestic or other purposes, situated between his or her dwelling-house or the appurtenances thereof and any road, street, or footway within the limits of the said Borough, or at the side of or in any yard or place open or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over; and if any person having such well or underground tank as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by the Overseer for Works or other officer of the Council duly authorized in that behalf, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs &c.

19. The Mayor, or any officer or person acting under the authority of the Mayor, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any other necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

20. Any person who shall haul, draw, or cause to be hauled or drawn, upon any part of any street, road, lane, thoroughfare, passage, or other public place within the said Borough, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag, or draw, or trail upon any part of such street, road, lane, thoroughfare, passage, or public place, to the injury thereof, shall, upon conviction, forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damages occasioned thereby.

Driving carriages, &c., on footways; and throwing filth, &c.

21. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or any matter or thing in or upon the carriageway, footway, gutter, or water-table of any street, road, lane, thoroughfare, passage, or other public place in the said Borough, or shall kill, slaughter, dress, or cut up any beast, swine, sheep, lamb, or other animal, in or so near to any such street or public place as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage-way, footway, gutter, or water-table; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street, road, lane, passage, thoroughfare, or public place, any waggon, cart, dray, sledge, or other carriage, truck, or any bicycle or tricycle, or any hoghead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Placing carriages, goods, &c., on footways, &c.—Not removing when required.—Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

22. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandize, casks, or goods of any kind whatsoever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage-way, footway, gutter, or water-table, in any street, road, lane, passage, thoroughfare, or public place within the said Borough, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheelbarrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage-way, footway, gutter, or water-table, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the sanction of the Overseer of Works or other officer of the Council duly authorized in that behalf has been first had and obtained, or unless the same shall be enclosed to the satisfaction of the Overseer of Works or such other officer as aforesaid) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such footway, carriage-way, gutter, or water-table, or over any area of any house or other building premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto any such street, road, lane, passage, thoroughfare, or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other officer of the Council duly authorized in that behalf; or if any person who, having, in pursuance of any such requisition as aforesaid, removed or caused to be removed, any such stall-board, chopping-block, basket, wares, merchandize, casks, goods, coach, cart, wain, waggon, dray, wheelbarrow, hand-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, chopping-block, basket, wares,

merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheelbarrow, hand-barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid) in, upon, or over any such carriage or footway of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such a manner as that such an awning shall be at least eight feet above the proper level of the footway, and that the posts be placed close to the curbstone or outer edge of such footway, and that the said posts and any framework be erected to the satisfaction of the Council, and as may from time to time be directed by the Council.

Slop, night-soil, &c., to be conveyed away only at certain hours.

23. Any person or persons who shall drive, or cause to be driven, any cart or other carriage with night-soil or ammoniacal liquor therein, through or in any street, road, lane, passage, thoroughfare, or public place within the said Borough, between the hours of five o'clock in the morning and ten o'clock at night; or shall fill any cart or other carriage so as to turn over or cast any night-soil, ammoniacal matter, slop, mire, or channel dirt or filth, in or upon any such street, road, lane, passage, thoroughfare, or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house than shall be directed by the said Council or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any such road, passage, thoroughfare, public place, or dwelling-house than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay a sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Riding on drays, careless driving, &c.

24. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street, road, lane, passage, thoroughfare, or public places within the Borough, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted); or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation whilst it is passing upon such street, road, passage, thoroughfare, or public place that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray or coach, or any other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street; or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or persons in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings.

Lights to carriages, &c.

25. The driver of any carriage, buggy, waggon, wain, cart, dray, bicycle, tricycle, or other wheeled vehicle, when driving the same in or upon any street, road, lane, passage, thoroughfare, or public place within the Borough, between the hours of sunset and sunrise, shall provide such carriage, buggy, waggon, wain, cart, dray, bicycle, tricycle, or other wheeled vehicle with a lamp on each side of the same, outside, and shall keep such lamps lighted; and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than five shillings.

Riding or driving furiously.

26. Any person who shall ride or drive through or upon any street, road, lane, passage, thoroughfare, or public place within the said Borough, so negligently, carelessly, or furiously as to create alarm, or so as that the safety of any other person or of any property shall or may be endangered, shall, on conviction, forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Loitering in the streets, &c.

27. Any person loitering or standing on the footway or carriage-way of any road, street, lane, or other public place within the said Borough, so neglecting or refusing without reasonable cause or excuse to move on, after having been requested so to do by any constable or other police officer, or any officer duly authorized by the Council of the said Borough in that behalf, shall, on conviction, forfeit any sum not exceeding ten pounds nor less than five shillings.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

28. Any person or persons who shall be desirous of blasting any rock within one hundred yards of any street, road, lane, passage, thoroughfare, or public place or dwelling-house in the Borough, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person or persons shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him or them by the said Council Clerk, he, she, or they shall, on conviction, forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

29. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Borough shall, over and above the necessary expense of repairing the injury committed, be liable to forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

30. Any person who shall damage any public building, gate, wall, parapet, fence, sluice-bridge, culvert, sewer, watercourse, or other public property within the Borough, shall pay the costs of repairing the same; and if such damage be wilfully done, shall be liable to forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

31. If any person or persons shall paste, or cause to be pasted, or otherwise affix any placard or other paper, or chalk or paint upon any wall, house, fence, culvert, curbstone, pathway, hand-rail, or other property of the Council, or in any other manner deface the same without authority of the Council, he or they shall be liable to forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

32. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root-up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street, road, lane, passage, thoroughfare, or public place under the management of the Council, shall be liable to forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways.

33. If the owner or occupier of any land situate on the side of any street, road, lane, thoroughfare, or other public place within the Borough, shall permit any shrub or plant, kept for ornament or otherwise, to overhang any footpath, footway, or carriage-way on the side of any such street, road, lane, passage, thoroughfare, or other public place so as to obstruct the passage thereof, and shall not, on demand made by the Council or their Inspector, Overseer, or other officer duly authorized on that behalf, cut or cause to be cut, or lop or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at the least, the Council and their servants, labourers, and workmen may cut, lop, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and may remove or burn, or cause to be removed or burnt, any portion of such trees so cut and lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the Municipalities Act of 1867, every such person so offending shall on conviction for every such offence be liable to forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c.

34. Any person who shall injure any public fountain, pump, cock, waterpipe, or any other thing connected with the preservation or supply of water to the Borough, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding twenty pounds nor less than one pound.

Dead animals, &c., not to be thrown into any public watercourses, &c.

35. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, road, or pathway; or who shall suffer any slops, suds, or filth of any kind to flow from his or her premises into any such watercourse, waterhole, river, creek, or sewer; or shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways, water-tables, or streets of the Borough; or shall permit or cause, by means of pipes, shoots, channels, or other contrivances, any such suds or filth of any kind whatsoever to flow into any public watercourse, waterhole, river, creek, or sewer; or shall obstruct or divert

from its channel any sewer or watercourse, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds, and shall pay cost of restoring such obstructed or diverted watercourse, creek, or canal.

Dead animals—mode of removal.

36. If any animal shall die in any part of the Borough, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Borough, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Power of Inspector as to dead animals on private premises.

37. The Inspector of Nuisances, or any other officer appointed by the Council of the Borough, may at any hour in the daytime enter upon any premises or place within the said Borough where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and, if necessary, to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for that purpose; and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition shall forfeit and pay any sum not exceeding thirty pounds nor less than three pounds.

Dead animals, in certain cases, to be removed at cost of Municipality.

38. If any animal shall die in any public street or place within the Borough, it shall be immediately removed by the Inspector of Nuisances or other officer appointed by the said Council, and destroyed in the manner aforesaid, at the cost of the owner.

Hog-ties to be one hundred feet from streets, and animals suffered to stray, &c.

39. Any person who shall keep, breed, or feed any kind of swine in any house, building, yard, garden or other place situated and being within sixty feet of any street, road, lane, thoroughfare, or public place in the Borough, or near-st dwelling house, or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, lane, thoroughfare, or public place, shall on conviction forfeit and pay any sum not exceeding forty shillings nor less than five shillings for each and every animal so kept, bred, fed, suffered to stray or go about, or to be tethered or depastured in any such street or public place as aforesaid; and the owner or occupier of any house or premises, or other place within the said Borough, wherein any such swine, horse, ass, mule, sheep, goat, cow, or other animal is kept, fed, milked, or used in any way whatsoever, shall, within the meaning of these By-laws, be deemed the owner of such animal so kept, bred, fed, suffered to stray, or to be tethered or depastured in any such street or public place, as aforesaid; and the words "any house," "building," "yard," "garden," or "other place," wherein any kind of swine shall be bred or kept as aforesaid, shall respectively be deemed hog-ties within the meaning of these By-laws; and the word "horse" shall be sufficient designation for any entire, geldings, mares, or foals, and the word cattle for any "bulls," oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

As to private avenues, &c.

40. Any owner or occupier of any house, building, yard, garden, premises, or other place within the Borough, who shall neglect to keep clean any private avenues, passages, yards, thoroughfares, and ways within the said premises so occupied or belonging to him, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall, on conviction, forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Cleansing butchers' shambles, slaughter-houses, &c.

41. For preserving the cleanliness of the Borough and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he, they, or any of them shall see occasion, to visit and inspect the butcher's shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments, manufactory, factory, or establishments in the Borough, and give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him, them, or any of them shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds and not less than ten shillings.

Complaints respecting dirty premises, &c.

42. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of, and the Inspector of Nuisances or other officer appointed by the Council as aforesaid have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain and be in any cellar or place within any dwelling-house or premises within the said Borough, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

43. Every person who, in any street, road, lane, thoroughfare, or other public place or passage within the said Borough, to the obstruction, annoyance, or danger of the residents or passengers in or through the Borough, shall commit any of the following offences, shall, on conviction for any and every such offence, forfeit and pay a penalty of not more than two pounds:—

- (1.) Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street, road, lane, passage, thoroughfare, or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street, road, lane, passage, thoroughfare, or public place, the carcass or any part of the carcass of any newly-slaughtered animal, without a sufficient and proper cloth covering the same, for the concealment from public view, or shall hawk or carry about butcher's meat for sale, without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, road, lane, passage, thoroughfare, or public place within the Borough, or hang or place clothes thereon, or allow any tree or shrub to overhang the footpath, to the danger or annoyance of any person.
- (4.) Every person who shall place any flowerpot in any upper window, near to any street, road, lane, passage, thoroughfare, or public place within the Borough, without sufficiently guarding the same from being thrown down.
- (5.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or buildings are being erected, pulled down, or repaired).
- (6.) Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any street, road, lane, or other public footway.
- (7.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way or use of any private yard, alley, street, or any other place within the said Borough.

Offences against public decency.

Bathing prohibited within certain limits.

44. Any person who shall bathe without proper dress near to or within view of any inhabited house, or of any public wharves, quay, bridge, street, road, lane, passage, thoroughfare, public place, or other place of public resort within the limits of the said Borough, between the hours of six o'clock in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of the person.

45. Any individual who shall offend against decency by exposure of his or her person in any street, road, lane, passage, or thoroughfare, or public place within the said Borough, or in the view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Houses of ill-fame.

46. Upon representation of any respectable ratepayer that any house or premises within the Borough, and near to the residence of such ratepayer, is of ill-fame, it shall be lawful for the By-law Committee to cause the residents of such house or premises to furnish to the Council a list of names, ages, sexes, and occupations of all the inmates of the said house or premises; and upon non-compliance with such request, or if, upon consideration, the said Committee consider the house to be one of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises,

or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice. And if such nuisance be not so abated, the holder of such house or premises, or other person residing or being therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall on conviction thereof forfeit and pay any sum not less than two pounds nor more than twenty pounds. And if such nuisance shall not be abated within forty-eight hours after such conviction, such holder of such house, or such other person residing or being therein as aforesaid, shall forfeit and pay for such second offence a sum of not less than five pounds nor more than fifty pounds; and if a further period of forty-eight hours shall elapse after such second conviction without the abatement of such nuisance, such holder of such house, or other person residing or being therein as aforesaid, shall for such third offence forfeit and pay any sum not less than ten pounds nor more than fifty pounds.

PART V.

Noisome and Offensive Trades.

Complaint.—Inquiry and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

1. Upon the complaint, in writing, by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property as to injure his or her health, or the health of his or her family, or to otherwise annoy, injure, or be a nuisance to such householder and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a noisome or offensive trade within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct follow, or carry on his, her, or their manufacture, trade, calling, or operation, as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Borough. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds, for a second offence a sum of not less than five pounds nor more than twenty-five pounds, and for the third and every subsequent offence a sum not less than ten pounds nor more than fifty pounds.

Mode of proceeding when noisome and offensive trade is about to be commenced.—Penalty.

2. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove noisome and offensive within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measure as shall effectually and permanently prevent the same from becoming noisome or offensive within the meaning of these By-laws to any resident within the Borough. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way noisome and offensive within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

Service of Notice.—Liabilities.

3. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Exhibitions, &c.

Exhibitions, & to be licensed

1. No exhibition, other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14th Victoria, No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the Borough, nor shall any bowling-alley, dancing saloon, or other place of public amusement other than a place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such, for hire or profit, within the Borough, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor.—Penalty for exhibiting, &c., without license.

2. It shall be lawful for the Mayor, by writing under his hand and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the Borough to be used for purposes of public amusement other than entertainments requiring to be licensed as aforesaid for not more than one week: Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Borough. Every person holding or keeping any such exhibition, or using any place within the Borough for public amusement as aforesaid, or causing or permitting such place to be used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted aforesaid, shall in each year register at the office of the Council, such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid, in or upon such building or ground, and the name of such occupier. And every person who causes, and every occupier of any such building or land who permits, any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week, in or on any such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence any sum not less than one pound nor more than twenty pounds.

Certificates of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid, stating the particulars aforesaid, and if, upon inspection by the proper officer, the building or land shall have been found to be secure and proper for the purpose stated and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or to be a nuisance to any inhabitants of the said Borough, the said Council shall cause the aforesaid premises to register in a registry book to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises. And the said Council may at any time, and for any of the causes hereinafter mentioned, suspend for a stated period the effect of, or cause of, any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land; and during such suspension, or after such cancellation, such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council duly authorized in that behalf may at all reasonable times enter into or upon and inspect any such registered building or land.

No exhibition, &c., on Sundays, &c.

6. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purposes of such public amusements on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Registration fee.—Time for which registration shall be in force.

7. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Borough, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein and no other.

8. The certificate of registration aforesaid shall be regarded as a license from the Council for the holding or keeping of the exhibition or for carrying on the public amusements therein mentioned, but for none other. Any occupier of such building or land who shall hold or keep therein or thereon any exhibition, or shall use such building or land for any public amusements other than such exhibition or amusements mentioned in such certificate or licence, shall for every such offence forfeit and pay any sum not less than ten shillings nor more than ten pounds.

Unlawful games and exhibitions.

9. No licence shall be granted as aforesaid to or for any building or land wherein or whereon any game with dice, or other games of chance for money, or any bull baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality or involving cruelty to animals, or likely to cause any breach of the peace, are proposed to be had or carried on; and the occupier of any building or land so registered as aforesaid who shall permit any such game of chance or exhibition or amusement as are in the section before-mentioned, to be had, held, or carried on in or upon such building shall for every such offence forfeit and pay a sum not less than ten shillings nor more than ten pounds.

Suspension or revocation of license.—Notice to be given, and licensee to be allowed to show cause.

10. The effect of any such registration as aforesaid may be suspended, or such registration may be cancelled, as the Council shall think fit, for any of the following causes, namely:—Whenever the occupier of the registered building or land, or the manager of any such exhibition or amusement as aforesaid held, kept, conducted, or carried on, in, or upon such building or ground shall have been twice convicted of offences against these By-laws within a period of twelve months; or whenever it shall be shown to the satisfaction of the said Council that the superintendent, director, or manager, or other person in charge of any such exhibition or amusement is a confirmed drunkard, or that such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace, or become a nuisance to any inhabitants of the Borough: Provided that before any such suspension or cancellation as aforesaid, the occupier of such registered building or land shall have notice of the fact, the said Council is about to consider whether there shall be any such suspension or cancellation, and of the causes of this proceeding, and shall be allowed to show cause against such suspension or cancellation before the same shall be ordered.

Construction of term "occupier."—Change in occupancy.—False statement.

11. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition or public amusement as aforesaid, in or upon any such building or land as aforesaid; or who shall reside in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on; or who, being the owner, lessee, or tenant of any such building or land, shall permit the same to be used for the purposes of any such exhibition or public amusement, shall be deemed the occupier of such building or land for all the purposes of these By-laws. And the said By-laws shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every such occupier whose name shall have been so registered as aforesaid shall be deemed and taken to be, and continue to be, such occupier for all these purposes of these By-laws: Provided that in the event of any change in the occupancy of any such building or ground as aforesaid, it shall be competent for the parties concerned to notify the same, by writing under their hands, to the said Council Clerk, who shall lay such notification before the Council at its next meeting; and if, after such inquiry as such Council may deem necessary, there shall seem to be no valid objection to such change of occupancy, a corresponding entry shall be made in the registry aforesaid, and a new certificate shall be issued, which shall be in force until the then next ensuing 31st day of December, and no longer. And for every such new certificate a fee of five shillings shall be paid to the said Council Clerk for the benefit of the said Borough. And any person who shall make any false statement in any such application or notice as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall for every such offence forfeit and pay any sum not less than one pound nor more than twenty pounds.

PART VII.

Water Supply,

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein, any animal whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever; or shall cause or permit or suffer to be run or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water; or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks, as aforesaid; or shall do anything whatsoever whereby any water or waterwork belonging to the said Council; or under their management or control, shall be fouled, obstructed, or damaged, shall for the first offence be liable to forfeit and pay any sum not exceeding five pounds, for a second offence any sum not less than ten shillings nor more than five pounds, and for the third and every subsequent offence any sum not less than one pound nor more than twenty pounds.

Wilful waste of water.

2. Whosoever being supplied with water by the Council from any waterworks, fountain, reservoir, or standpipe of or belonging to, or under the control or management of the said Council, or having access to any such waterworks, fountain, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe, pump, or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds, for a second offence any sum not less than one pound nor more than twenty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than forty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural watercourse, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time, he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment, he shall for every such offence forfeit and pay a sum of fifty pounds.

Diverting water from reservoirs of Council in certain cases.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water having fallen on any gathering ground, whosoever shall by any means whatsoever divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks or some watercourse leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than twenty pounds; for a second offence any sum not less than two pounds nor more than forty pounds; and for a third and every subsequent offence any sum not less than five pounds nor more than fifty pounds.

PART VIII.

Sewerage and drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair and cleanse, or cause any such private drain or sewer to be repaired and cleansed, according to the direction of the said Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

PART IX.

Public Parks, &c.

Appointment of Ranger.

1. The Council may appoint a ranger, bailiff, or overseer over the reserves and other public places within the said Borough, with powers and authorities necessary to enable him to perform his duties as they may from time to time think fit,

Ranger to protect reserves and remove disorderly persons.

2. The said ranger, bailiff, or overseer, or any officer of the Council shall protect the said reserves, and for that purpose shall be at liberty to call in the aid of the police for the removal, by force if necessary, of any person or persons who shall be found committing a breach of these By-laws, or who shall by disorderly or insulting conduct cause annoyance or inconvenience to any person on the said reserves, or any of them, or going to or coming from the same; and such person so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for removing firewood and setting fire to timber, &c.

3. Any person who shall remove any firewood or timber from any of the said reserves, or who shall wilfully destroy or damage any of the trees or shrubs growing thereon, or who shall wilfully set fire to any grass, tree, or shrub, or timber growing thereon, or shall injure any fence, gate, seat, or turnstile therein, shall on conviction before any two or more Justices of the Peace forfeit and pay a penalty not exceeding ten pounds.

Penalty for injuring dams, &c.—Injuring water.

4. Any person who shall injure or destroy any dam, well, fountain, or reservoir in any of the said reserves; or who shall wash any clothes, or the person, or any animal, or in any way pollute the water in any such stream, dam, well, fountain, or reservoir; or who shall bathe in any of the said waters (except such as may be set apart for bathing purposes, and during the hours appointed for such purposes), shall on conviction before any two or more Justices of the Peace forfeit and pay a penalty of not exceeding ten pounds.

Penalty for offending against decency.

5. Any person who shall offend against decency by the exposure of his or her person in any of the said reserves, or in view thereof, shall forfeit and pay a penalty of not exceeding ten pounds.

Penalty for erecting tents, &c., without permission.

6. No tents, booths, or stalls shall be erected on any of the said reserves, without the consent of the Council first had and obtained, under a penalty not exceeding ten pounds.

Penalty for horse-racing, &c.

7. No horse-racing or horse-breaking shall be allowed on any of the said reserves under a penalty of not exceeding ten pounds.

Penalty for depositing rubbish and removing material.

8. Any person who shall deposit any rubbish on any of the said reserves, or who shall remove any rock, stone, earth, or other material therefrom, without the leave of the Council first had and obtained, shall upon conviction forfeit and pay a penalty of not exceeding ten pounds.

Power to grant right of pasturage, &c.

9. The Council may annually let from year to year, or for any less term by public auction or by tender, the exclusive right to depasture stock on all or any of the said reserves, and may delegate to any lessee power to impound any swine, goats, horses, sheep, or cattle straying thereon.

Power to grant right to cut timber, &c.

10. The Council may also annually let from year to year, or for any less period, by public auction or by public tender, the exclusive right to remove any trees, firewood, or timber not required for ornamental purposes from any of the said reserves; and they may make such regulations as may be necessary from time to time for the protection of trees and shrubs required for ornamental purposes.

Power to distrain and impound trespassing stock.

11. The Ranger or any other officer of the Council duly authorized in that behalf shall have power to distrain and impound any cattle or other stock found trespassing upon the said reserves or other public places or any of them, and also to claim or demand and recover such damage (not exceeding ten pounds) in respect of such cattle or other stock so distrained or impounded as could or might be claimed by the owner of private land in respect of animals found trespassing and doing damage upon the same.

Penalty for crossing fences except by proper openings.

12. If any person shall cross, or pass or attempt to cross or pass any fence on or enclosing any of the reserves or other public places within the Municipality, otherwise than by the gates or other openings left for passage, he shall on conviction forfeit and pay a penalty for each offence of not exceeding five pounds nor less than five shillings.

Wilful trespass.

13. Every person who shall wilfully let in or knowingly suffer to enter upon the said reserves, or any of them, any animals, without due authority, shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding ten pounds nor less than one pound.

Penalty for persons causing annoyance in use of reserves.

14. Any person who shall unlawfully cause any annoyance or inconvenience to any other persons in the free use and enjoyment of the said reserves, or any of them, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

15. Any person who shall be found committing any breach of any By-law affecting the said reserves, or any of them, not expressly provided for in this "Part" of these By-laws, or who shall, by disorderly or insulting conduct in the immediate neighbourhood of such park or public recreation ground, cause annoyance or inconvenience to persons on the said reserves, or any of them, or going to or coming from the same, may be removed by force by any Ranger or other proper officer appointed by the Council, which officer shall have the power to call in the aid of the police; and such persons so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

BY-LAWS made under and for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. Every person about to erect a closet, or form, excavate, or make a cesspit, shall, before commencing to erect such closet, or to form, excavate, or make any such cesspit, deliver to the Council Clerk of the Borough of St. Leonards a notice in writing of his intention to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected, or such cesspit formed, excavated, or made; and if any person shall commence to erect any closet or to form, excavate, or make any cesspit within the said Borough without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Borough, or other officer for the time being appointed by the Council of the said Borough in that behalf), he shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

2. No person shall erect or commence to erect any closet, or to form, excavate, or make any cesspit, except in such place or position as shall be approved of by the said Inspector of Nuisances or other officer as aforesaid; and any person who shall erect or commence to erect any closet, or to form, excavate, or make any such cesspit, without having obtained the approval of the said Inspector or other officer, or in any place or position other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than one pound nor more than five pounds. But any person who shall feel aggrieved by the decision of such Inspector or other officer may, at any time within fourteen days after such Inspector or other officer shall have made his decision, appeal in writing against the same to the Council.

3. Every cesspit shall be at least 4 feet long by 3 feet wide, internal measurement, and shall be at least 4 feet (but not more than 6 feet, below the surface of the ground; and the top of such cesspit shall be at least 6 inches higher than the highest part of the surface of the ground immediately adjoining such cesspit; and every such cesspit shall have walls on each side of brick or stone of at least 9 inches thick, and such wall shall be built in cement and rendered at least $\frac{3}{4}$ of an inch thick inside with cement in such manner as to make such walls thoroughly water-tight; and no cesspit shall be formed, excavated, or made under any dwelling-house, nor at a less distance than 20 feet therefrom; neither shall any cesspit be formed, excavated, or made at a less distance than 20 feet from any well or underground tank, whether on the same property in which the cesspit is intended to be formed, excavated, or made, or on the adjoining property. And if any person shall form, excavate, or make any cesspit which shall not be in accordance with the provisions of this By-law, or shall form, excavate, or make any cesspit under any dwelling-house, or at a less distance than 20 feet therefrom or from any such well or underground tank as aforesaid, he shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

4. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened inside, and each seat shall have a movable cover, and the closet be ventilated; and every person who shall build or erect any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings.

5. Where two or more closets adjoin each other, there shall be a sufficient dividing wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit or closet up to the roof of the closet so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law, he shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

6. A separate closet shall be provided for each tenement; and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not less than two pounds nor more than five pounds.

7. In dwelling-houses where the number of persons who shall ordinarily sleep there exceed twelve, the capacity of the cesspit shall be increased by at least 4 cubic feet for every person beyond the number of twelve persons, or else a separate closet shall be provided for every twelve persons or fraction of twelve; and any person guilty of a breach of this By-law shall be liable to a penalty of not less than one pound and not more than five pounds.

8. In schools, factories, or other places of business, where a number of persons exceeding twelve shall ordinarily reside or be occupied or employed, one closet shall be provided for every twenty persons, and if a cesspit is used in connection with any such closet, with a cesspit of a capacity of not less than 80 cubic feet for every such twenty persons, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of any such school, factory, or other place of business, and every other person who shall offend against this By-law, or fail to provide the number of closets and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

9. Every closet shall be built in such a position that the same may be emptied without the contents being carried through any dwelling-house; and any person having or building a closet contrary to this By-law shall be liable to a penalty of not less than two pounds and not more than ten pounds.

10. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances or other officer appointed by the Council in that behalf, for preserving public health or decency in case of any existing cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days' notice so to do from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to make the necessary alteration, and the cost of such alteration shall be paid by the owner or occupier of the premises whereon the same shall be.

11. Until otherwise provided by the Council, all night-soil shall be removed from cesspits, by contract, in water-tight covered vehicles, between the hours of eleven o'clock in the evening and five o'clock in the morning; and if any person shall remove from any cesspit any night-soil in any other manner or at any other time than is provided by this By-law, he shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

12. Until and unless otherwise provided for by the Council, all night-soil shall be disposed of by burying it in the earth.

13. The place of deposit shall be in such locality as may from time to time be determined by the Council.

14. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner and between the same hours as above provided, and on being removed from the vehicles on which it is carried shall be deodorized by chemicals or in some other effective manner, or covered with earth, so as to prevent any offensive smell arising therefrom; and if any offensive smell shall arise therefrom, the person or persons to whom the said night-soil shall be sold or given shall forfeit and pay a penalty of not less than one pound nor more than five pounds.

15. Any person desirous of erecting an earth-closet, or using an earth-closet in place of cesspit, must deliver to the Council Clerk seven days previous notice in writing of his intention so to do, and make provision for emptying the same to the satisfaction of the Inspector of Nuisances; and any person causing a nuisance from the careless use of such closet shall be liable to a penalty not exceeding five pounds nor less than one pound.

16. All earth-closets shall be emptied once in seven days, or oftener if required, and the contents buried in the earth; and every person infringing this By-law shall be liable to a penalty of not less than one pound nor more than two pounds.

17. Every person shall be at liberty (with the sanction of the Mayor) to use on his own premises all night-soil collected therefrom, by burying the same at least one foot in the earth, but if any nuisance shall arise therefrom he shall be liable to a penalty of not less than one pound and not more than five pounds.

18. No person shall be at liberty, without the permission of the Council, or the Inspector of Nuisances, or the officer appointed by the Council in that behalf, to use on his own premises any night-soil brought from elsewhere; and any person committing a breach of this By-law shall be liable to a penalty of not less than two pounds nor more than ten pounds.

19. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act, 1875," therein, on all days except Sundays and holidays; and any person who shall hinder or obstruct any Inspector of Nuisances or other officer as aforesaid upon any such visitation or inspection, or in the doing or performing of any work, shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings.

20. The Inspector of Nuisances shall furnish the Council with a monthly return showing the number of cesspits emptied and earth-closets attended upon, the amount due and payable for each cesspit and earth-closet attended upon, and the amount of arrears due for emptying cesspits and attending on earth-closets. He shall collect the amounts so due and payable and account therefor to the Council, at the least once in every month, or as may be determined upon by such Council.

21. Any persons requiring their cesspits emptied shall send written notice to the Council or Inspector of Nuisances; and persons emptying or causing to be emptied any closet without the sanction of the Council or Inspector of Nuisances shall be liable to a penalty not exceeding ten pounds nor less than one pound.

22. The Council may charge such sum for the emptying of cesspits or attendance upon earth-closets as may be decided upon from time to time by resolution of the Council, and the Council, or the Inspector of Nuisances on their behalf, may at any time after seven days previous notice of their or his intention so to do shall have been left upon the premises in respect of which such sums are payable, sue for and recover the same.

23. Every closet hereafter to be built shall either have a separate child's seat or a child's seat over the centre of the larger one; and any person committing a breach of this By-law shall forfeit a sum not exceeding one pound nor less than five shillings.

24. Every earth-closet hereafter to be built shall be provided with a galvanized iron pail, capable of containing not less than six gallons, and having handles attached to two sides thereof.

25. Every earth-closet, whether already built or hereafter to be built, shall be provided with a box or earth compartment, such box or earth compartment to be without lid, and provided with a pint scoop for each occupant to throw in a pint of the stored dry earth or dry ashes through the seat into the galvanized iron pail.

26. The Inspector of Nuisances shall not take any legal proceedings under these By-laws without informing the Mayor of his intention so to do.

Amended and passed by the Municipal Council of the Borough of St. Leonards, this fourth day of January, in the year of our Lord one thousand eight hundred and eighty-seven.

(L.S.) BENJAMIN JENKINS,
Mayor.
W. BARNETT SMITH,
Council Clerk.

Colonial Secretary's Office,
Sydney, 25th July, 1889,

ST. LEONARDS MUNICIPALITY.—BY-LAW.

The following By-law, made by the Council of the Borough of St. Leonards under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW adopted by the Council of the Borough of St. Leonards, this twenty-first day of May, one thousand eight hundred and eighty nine:—

ANY person desirous of opening any street, roadway, lane, or footpath within this Borough, for the purpose of laying service-pipes for water, or drain-pipes, or for any other purpose whatsoever, shall before doing so give notice to the Council Clerk, at his office, and receive from him a permit for same, and pay therefor a fee of two shillings and sixpence. In every case where the footpath has been laid the full width thereof with asphalt or other paving, an extra fee of two shillings and sixpence must be paid. Any person failing to comply with any of the provisions of this By-law shall, upon conviction, forfeit and pay a sum not exceeding forty-shillings nor less than five shillings, in addition to the fees herein imposed.

Sealed with the Corporate Seal, by order of the Council, this twenty-third day of May, one thousand eight hundred and eighty-nine,—

(L.S.) FRANCIS PUNCH,
Mayor.
W. BARNETT SMITH,
Council Clerk.

Colonial Secretary's Office,
Sydney, 27th February, 1890.

BOROUGH OF ST. LEONARDS.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of St. Leonards under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

By-LAWS made by the Council of the Borough of St. Leonards under the provisions of the "Municipalities Act of 1867," for providing for the Constitution of Standing Committees:—

1. By-law No. 73, Part I, of By-laws published in the Government Gazette, No. 324, of 4th June, 1887, is hereby repealed.

2. Each of the three Committees first named in By-law No. 72, Part 1, shall consist of four members, of whom one shall be taken from among the Aldermen of each Ward. The Parks Committee and Committee for General Purposes shall consist of four members chosen from any of the Aldermen, irrespective of the Wards they represent. The Mayor shall be a member ex officio of all Committees.

(L.S.) FRANCIS PUNCH,
Mayor.

The corporate Common Seal of the Borough of St. Leonards was hereunto affixed by Francis Punch, Esq., the Mayor for the time being, this 3rd day of January, 1890, in the presence of—

W. BARNETT SMITH,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF MITTAGONG—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 10th September, 1890.

MITTAGONG MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Mittagong under the "Municipalities Act of 1867" and the "Nuisances Prevention Act, 1875," having been respectively confirmed and approved of by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

PART I.

Proceedings of the Council and Committees.—Preservation of order at Council Meetings.—Meetings of the Council.—Ordinary Meetings.

1. The Council shall meet for the despatch of business on such day and at such hour as may by resolution of the Council be from time to time appointed.

Election of Chairman in absence of Mayor.—Adjournment for want of a quorum.

2. If at any meeting of the Council the Mayor be absent at the expiration of twenty minutes after the time appointed for the holding of such meeting, the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any such meeting for the want of a quorum, the names of the members then present shall be taken down and recorded in the minute book.

Order of business.

3. The following shall be the order of business at all meetings of the Council other than special meetings :—

1. The minutes of last meeting to be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted on such minutes, except as to whether they are correct.
2. Outward correspondence to be read.
3. Inward correspondence to be read, and, if necessary, ordered upon.
4. Presentation of Petitions.
5. Reports from Committee and minutes from Mayor (if any) to be presented and ordered upon.
6. Questions as to any matters under the jurisdiction or within the official cognizance of the Council to be put and replied to; and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committee or officers to be made.
7. Matters which have been specially ordered to be placed on the business paper by the Mayor.

8. Motions, of which notice has been given, to be dealt with in the order in which they stand on the business paper.
9. Orders of the day to be disposed of as they stand on the business paper.

Business may be dealt with out of regular order.

Provided that it shall be competent to the Council at any time by resolution, without notice, to entertain any particular motion, or to deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section; also, and in like manner, to direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

4. At special meetings of the Council the business, after the minutes shall have been read and verified, which shall be done in the same manner as at any ordinary meeting, shall be taken in such order as the Mayor or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meeting—how prepared.

5. The business paper for every meeting of the Council other than special meetings shall be made by the Council Clerk, or other person acting as his substitute, not less than forty-eight nor more than seventy-two hours before the day appointed for such meeting. He shall enter on such business paper a copy of the substance of every notice of motion and of every requisition or order as to the business proposed to be transacted at such meeting which he shall have received, or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made subject to the provisions of section 3 of this "Part" of these By-laws, in the same order as such notice, requisition, or direction shall have been received.

Business paper for special meetings.

6. The business paper for each Special Meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meetings.

Summons to members.

7. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper is to be disposed of.

8. The business paper for each meeting of the Council shall, at such meetings, be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with; and such business paper so noted shall be a record of the Council.

Notices of motion, &c., to be numbered as received, and preserved until matter disposed of, unless withdrawn before business paper made up.

9. All notices of motion and all requisitions from Aldermen, and directions from the Mayor as to the entry of any particular matter of business for the consideration of the Council at its then next or any future meetings, shall be numbered by the Council Clerk as they are received; and each such notice, requisition, and direction shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of, and the record in the Minute Book of the manner in which such matter has been disposed of shall have been duly verified as required by section 1 of clause 3 of this "Part" of these By-laws: Provided, however, that the person giving or forwarding any such notice of motion, requisition, or direction to the Council Clerk shall be at liberty to withdraw the same at any time before the making up of the business paper.

After business paper made up, all notices, &c., to be the property of the Council.

10. After the business paper shall have been made up as aforesaid, all such notices of motions, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions and Amendments.

Motions—how to be moved.

11. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from the business paper, and be considered to have lapsed.

Notice to be given.

12. Four clear days' notice of every motion intended to be made in the Council shall be given to the Council Clerk, to enable him to place the same on the business paper.

Motion to be seconded.

13. No motion in Council shall be discussed unless and until it be seconded.

Amendments may be moved.

14. When a motion in Council shall have been made and seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

15. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

16. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended question—further amendment may be moved thereon.

17. If an amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

18. If any amendment, either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

19. No motion for adjournment of the Council shall be discussed. If seconded, such motion shall be put at once. If negatived, no similar motion shall be permitted to be made until half an hour has elapsed after putting the one that has been negatived, and the subjects on the business paper shall be proceeded with in order.

Orders of the Day.

Of what Orders of the Day shall consist.

20. The orders of the day shall consist of any matters, other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or any committee of the Council shall have directed to be entered on the business paper for consideration.

Petitions.

Petitions to be respectfully worded.

21. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—how received.

22. All petitions shall be received only as the petitions of the parties signing at the same time.

How petitions are to be dealt with.

23. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition, except that the same be received, or that if it be received and referred to one of the permanent Committees hereinafter mentioned, or to some special Committee appointed to consider and report on the same; or that if it be received, and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion, the said motion shall, if otherwise unobjectionable, be considered in order.

Correspondence.

Duties of Mayor as to correspondence.

24. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by section 21 of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 23 to apply to letters.

25. Section 23 of this "Part" of these By-laws shall be considered as fully applicable to letters addressed to the Council as to petitions.

Reports from Committees and Minutes from the Mayor.

Form of report.

26. All reports from Committee shall be written on foolscap paper, with a margin of at least one-fourth of the width of such paper, and shall be signed by the Chairman of such Committee, or, in his absence, by some other member of same.

Mayor's minute.

27. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing. Every such minute shall be written upon paper of any kind, and with the same margin as the report from a Committee, and shall be signed by such Mayor.

How reports, &c., are to be dealt with—Duties of Chairman, &c., in certain cases.

28. No motion shall (except as hereinafter provided) be permissible on the presentation of a report from a Committee, or a minute from the Mayor, except that the same be received, that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, or, if an order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may, if otherwise unobjectionable, be moved or considered in due course. And whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice, and it is nevertheless desirable that such report or minute shall be definitely ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman or member of such Committee signing such report, or of such Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition, or direction as aforesaid, as will enable such Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Report of Finance Committee on payment of accounts.

29. The adoption of the report of the Finance Committee on the payment of accounts shall take precedence of every other report.

Questions and Statements.

Limitations as to questions and statements.

30. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 33 of this "Part" of these By-laws.

Notice to be given.

31. Twenty-four hours' notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answer not compulsory.

32. It shall not be compulsory on any person questioned as aforesaid to answer the question so put to him.

Question to be put without argument, &c.

33. Every such question must be put categorically, without any argument or statement of fact.

Similar provisions as to statements.

34. Every such statement must be made without argument.

No discussion on question, &c.; rights of objection and of subsequent motion reserved.

35. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

*Order of Debate.**Mode of addressing the Council, &c.*

36. Every Alderman who shall make or second any motion, or shall propose or second any amendment, or shall take any part in any debate or any discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall while so doing stand up in his customary place (unless he shall be prevented from doing so by reason of some bodily infirmity), and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may, by permission of such Mayor or Chairman, be put directly to the Alderman or Officer to be questioned, and may be replied to in a like manner; but in every such case the question so put, and the answer thereto, shall be subject to every legal objection, on the ground of disorder or irrelevancy. And all members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

37. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speeches, &c.

38. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than mover of such original motion, shall have a right to speak once upon such motion and on every amendment thereon. No Alderman shall speak upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.

Mover and seconder.

39. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Limited time of speaking on motion or amendment.

40. No Mayor, Chairman, or Alderman shall speak upon any motion or amendment for a longer time than fifteen minutes, except by permission of the Council.

Speaker not to digress, &c.

41. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to, any other Alderman.

Adjournment of debate.

42. A debate may be adjourned to a later hour of the day, or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

43. If two or more Aldermen rise to speak at the same time, the Mayor or Alderman shall decide which of such Aldermen shall be first heard.

Alderman may require questions to be stated, &c., under certain restrictions.

44. Any Alderman may request the question or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter which are readily accessible: Provided, however, that no such request or requisition shall be so made as to interrupt the discussion. Also, that if any such request or requisition shall appear to the Mayor or Chairman not to have been made bonâ fide it shall not be complied with.

Mayor or Chairman may move or second motion, &c., and may address Council thereon.

45. The Mayor or Chairman may propose or second any motion, and such Mayor or Chairman shall have the same right as any other Alderman to speak once upon every such subject or amendment. The Mayor or Chairman shall rise when so speaking (unless prevented by some bodily infirmity from so doing), but shall be considered as still presiding.

*Questions of Order.**Mayor or Chairman to decide points of order.*

46. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, except in so far as the same may be questioned, as in the manner hereinafter provided.

Acts of disorder.

47. Every member of the Council who shall commit a breach of any section of this "Part" of these By-laws, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any other way raise or attempt to raise any question, or shall address or attempt to address the Council upon any subject which the said Council has no legal right to entertain or to discuss, or who shall use any language which, according to the common usage of gentlemen, would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Mayor, &c., may call member to order.

48. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing.

Any member may raise question of order.

49. Every member of the Council shall have the right of calling the attention of the Mayor or the Chairman to any motion, amendment, statement, argument, or observation moved, used, or made by any other member which such first-named member shall consider out of order.

Mode of proceeding thereon.

50. A member named by the Mayor or Chairman as being disorderly shall withdraw while the question of order is being discussed and decided upon, unless specially permitted to offer an explanation, retraction, or apology; but on obtaining such special permission such member may explain, retract, or apologise for the matter or remark alleged to have been out of order. And if such explanation, retraction, or apology be deemed satisfactory, no further discussion on the question of order shall be permitted. If any member, on being called to order, shall ask such permission to explain, retract, or apologise as aforesaid, the Mayor or Chairman may, of his own authority, grant or refuse such permission, as he may think fit, unless any member shall require the sense of the Council to be taken on this question. In such case it shall be the duty of the Mayor or Chairman to take the sense of the Council at once, and without discussion, as to whether such permission shall be granted. And when any such explanation, retraction, or apology shall have been made or offered by permission of the Mayor or Chairman, the latter shall in like manner decide, or, if required so to do, shall take the sense of the Council as to whether such explanation, retraction, or apology is considered sufficient. If such permission be refused, or such explanation, retraction, or apology be considered insufficient, the question of order shall be considered and decided before any further business is proceeded with: Provided that if such Mayor or Chairman shall have decided the question of order before any member shall have required the sense of the Council to be taken in reference thereto, such question of order shall not be re-opened. And provided further, that nothing herein contained shall be held to affect the right of such Mayor or Chairman to decide finally, as hereinafter provided, upon any such point of order, after the same shall have been discussed.

Decision of points of order.

51. The Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting on the same.

Motion out of order to be rejected—Members to explain, retract, or apologise, &c.

52. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected; and whenever anything said or done in Council by any Alderman shall be similarly decided to be out of order, such Alderman shall be called upon by the Mayor or Chairman to make such explanation, retraction, or apology, as the case may require.

Penalty for persisting in disorderly conduct.

53. Any member of the Council who shall have been named by the Mayor or Chairman as being disorderly, and who, after having been twice directed to withdraw as aforesaid, shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid, when required to do so, or who shall be guilty of any other act of disorder, as defined in section 48 of this "Part" of these By-laws, and shall refuse to make such explanation, retraction, or apology, as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction for the first offence to a penalty of not less than ten shillings nor more than five pounds, and on second conviction for the like offence he shall be liable to a penalty of not less than one pound nor more than ten pounds, and on the third conviction and every further conviction for the like offence he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council to dissent from ruling.

54. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any such question of order or of practice, may, by immediate action, respectfully worded, invite the Council to dissent from such decision: Provided, however, that nothing herein contained shall be held to bind any Mayor or Chairman to put any motion to the Council which, in his opinion, is contrary to law.

Mode of Voting.

How questions are to be put.

55. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of such Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the opinion of the majority.

Divisions.—Penalty for refusing to vote.

56. Any Alderman shall be at liberty to call for a division; in such case the question shall be put, first in the affirmative and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for and shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than ten shillings nor more than five pounds.

Protests.

Mode of protesting.—Protest to be recorded, but may under certain circumstances be expunged.

57. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council. Notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at; and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the Minute Book; but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with reference in the margin to the resolution ordering such expunction.

Rules applicable to business in Committee.

58. The following sections of this "Part" of these By-laws shall (except as is herein excepted) be taken to apply to the conduct of business in Committee of the whole Council, namely:—Sections 14 (except that it shall not be necessary that any motion or amendment in Committee shall be seconded), 15, 16, 17, 18, 35, 36, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, and 56.

Disorderly conduct in Committee.

59. Whenever any member of the Council shall, while the Council is in Committee of the Whole, be considered guilty of an offence against good order within the meaning of section 50 of this "Part" of these By-laws, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and, if such motion be carried, such matter shall be reported accordingly, and an entry of such report shall be made in the Minute Book; and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by section 56 of this

"Part" of these By-laws, the fact shall be reported to the Council, and such report on such facts shall be duly recorded in the Minute-book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary; but it shall be the duty of the Chairman of such Committee of the Whole, in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

60. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provision of section 46 of this "Part" of these By-laws, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and, if such motion be carried, such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported, &c.

61. Any Alderman may, at any time during the sitting of a Committee of the whole Council, move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on any further day; or that no leave be asked to sit again; and if any such motion be carried, the Council shall resume its sittings, and a report shall be made accordingly; but no discussion shall be permitted on any such motion; and if the same be negative, the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee.—Want of quorum in Committee.

62. All reports of proceedings in Committee of the whole Council shall be made to the Council viva voce by the Chairman of such Committee, and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case, the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making of any such report as aforesaid, it shall not be necessary to report any such proceedings in extenso, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

63. All such reports of proceedings in Committee of the whole Council shall be recorded in the Minute-book; but except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council, until a motion shall have been made and passed for such adoption or for the granting of such leave. And every such motion for the adoption of a report or for the granting of leave as aforesaid and the order of debate on such motion shall be subject to all the same rules as other motions in Council and the order of debate on such other motions: Provided, however, that where a report shall have been made under section 59 of this "Part" of these By-laws of disorderly conduct in Committee, or under section 56 of this "Part" of these By-laws of failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof, and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

64. A call of the Council may be ordered by any resolution, of which due notice shall have been given, for the consideration of any motion or matter of business before such Council.

Mode of proceeding.

65. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called. If any members are absent a record shall be made of such absence; but if leave of absence to any such members shall have previously been granted, or if an excuse in writing shall have been forwarded to the Mayor or Council Clerk, as a majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reasons for the same.

Penalty for absence without legal excuse.—Further call when question adjourned.

66. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name as aforesaid, or who, being absent, shall not be legally excused as aforesaid, or who, if absent, and not so excused, shall fail to

show that by reason of extreme illness, or any other sufficient cause, he has been unable to send an excuse in writing as aforesaid, or who, having answered to his name as aforesaid, shall not be present when a vote is taken on the motion or business as to which such call has been made as aforesaid, shall for every such offence be liable to a penalty of not less than ten shillings nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day, there shall be a further call on the resumption of such consideration, and the provisions herein as to penalties for absence shall have reference to such further call. And if there shall be more than one adjournment, this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing and Special Committees.

67. There shall be four Standing Committees, viz., a By-law Committee, Committee for Works, Finance Committee, and Committee for General Purposes. Each of these Committees shall be appointed every year, at the first meeting of the Council which shall be holden after the election of the Mayor.

Constitution of Standing Committees.

68. The By-laws Committee, Works Committee, and Finance Committee shall each consist of three members. The Chairman of each Committee shall form the Committee for general purposes.

Mode of re-appointing Standing Committees.

69. The appointment of the three first-named Standing Committees may, on resolution of the Council, be made by ballot. In such case, a list or lists of the members shall be handed to each then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong; and the Mayor or Chairman shall thereupon examine such lists so marked, and shall declare the result, and if there shall be an equal number of votes for the appointment of any two or more members to any one of such Committees, such Mayor or Chairman shall decide which of such members shall be appointed.

By-law Committee.

70. The By-law Committee shall prepare for the consideration of the Council, drafts of all such By-laws as may be required for the good government of the Borough. They shall also watch over the administration of the By-laws and of any statute of which the operation has been or may be extended to the Borough, and shall take such steps as may be necessary for the prevention or punishment of offences against such By-laws or statutes, and for the preservation of public health, order, and decency.

Committee for Works.

71. The Committee for Works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, and reserves under the care and management of the Council. They shall inquire and report from time to time, as directed, as to such improvements and repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

Finance Committee.

72. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or be likely to affect, the finances of the Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

73. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council, not coming within the province of one or other of the beforementioned Standing Committees, and shall from time to time inquire into and report upon any such subject, matter, or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

74. Special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully entrusted to a Committee, and for which, in the opinion of the Council, a Special Committee ought to be appointed. And no Standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such Special Committee. The appointment of every such Special Committee shall be made by resolution of the Council, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be entrusted to such Special Committee. The mover of any such resolution may name therein such members as, in his opinion, ought to constitute such Com-

mittee; or he may propose that such Committee consist of a certain number of members to be appointed by ballot, and, in the latter case, or if an amendment to the effect that such Special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such Special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And, in the event of it becoming necessary, through an equality of votes, to decide as to which of the two or more Aldermen shall serve on such Committee, such Mayor or Chairman shall so decide.

Chairman of Committees.

75. Every Committee, of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee, within seven days after their appointment.

Term of service in Committees.

76. Appointments to the By-law Committee, the Committee of Works, and the Finance Committee shall be for the whole municipal year. The Chairman of these three Committees, as appointed to or removed from the chairmanship of the same, shall be thereby, and without further order, regarded as having been appointed to or removed from the Committee for general purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committees in sections 109 and 110 of the Municipalities Act of 1867; and that so much of this By-law as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Committee Meeting—how called.

77. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any two members of such Committee.

Records of transactions in Committee.

78. The Chairman of each Standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Expenditure.

Except in emergent matters, cost of all work to be estimated before undertaken.

79. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council; and tenders for the execution of such work, or the supply of such material, shall be called for by public notice.

Emergent matters and necessary current expenses.—Expenses authorized to be reported.—Outlay to be in accordance with the orders of the Council.

80. For emergent matters and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Committee for Works or of the Mayor and one member of such Committee, for repairs or urgent works, to the extent of five pounds.
2. By order of the Mayor, for necessary current expenses, to the extent of ten pounds.
3. By order of the Mayor and any two Aldermen, or without the Mayor or any four Aldermen, for any emergent purpose, to the extent of five pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Committee of Works or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence whatever be thus authorized.

All claims to be examined and reported upon by Finance Committee.

81. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands.

Certificate required with each claim.—Salaries and wages to be payable on Mayor's order.—Certificate to be attached to report.

82. No payment shall be so ordered unless there shall be a certificate memorandum from the Committee, Mayor, or officer of the Council to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a

legitimate one, and has been duly authorized or inquired into. It shall be the imperative duty of the Finance Committee to see that this requirement is fulfilled, or to report specially as to the reasons of its non-fulfilment before recommending payment: Provided, however, that such special report as last herein mentioned may be embodied with a report by which payment of the amount in question is recommended: Provided also, that in cases of special expenditure under section 79 of this "Part" of these By-laws, the report directed by that section to be laid before the Council shall, if the outlay shall have been lawfully incurred, be deemed a sufficient certificate. And provided further, that in regard to salaries and wages of labour for officers, servants, and labourers employed at a fixed rate of payment, by order of the Council, the certificate of the Mayor of the amount due to any such officer, servant, or labourer, and the order of such Mayor for payment of such amount shall be a sufficient authorization for such payment; and such certificates, memoranda, and authorizations shall be attached respectively to the reports from the Finance Committee on the payment or outlays to which such certificates, memoranda, and authorizations have reference.

Common Seal and Records of the Council.

Common seal and press, how secured.—Care of same.

83. The common seal and the press to which the same is attached shall be secured by a cover or box, which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock or cover of this box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and care of the Council Clerk.

When and how common seal to be used.

84. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document, such document shall also be signed by the Mayor, or in the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected.

85. The Council Clerk shall keep such books of account and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Records of the Council defined.—Provisions for proper keeping of the same.

86. The minute-book, letter-book, and all rate and assessment books, books of account, records, statements, and memoranda of receipts and expenditure, electoral rolls, and other records relating to elections, business papers, reports from committees, minutes from the Mayor, petitions, letters on municipal business addressed to the Council or the Mayor, or to any other officer or servant of the Council, orders, reports, returns, and memoranda relating to municipal business, drawings, maps, plans, contracts, specifications, agreements, and all other books and papers connected with the business of the Council, shall be deemed records of the Council. All such records, other than the minute-book and other books, and other than electoral rolls and other records relating to elections, shall be numbered and filed in due order, and shall be duly registered by the Council Clerk in a book to be kept by him for that purpose. Upon the face of every document thus registered, to which there is any reference in the minute-book, there shall be a note of the page wherein it is so referred to. And when any order has been made by the Council, or a report has been brought up by any Committee thereof, in reference to any document so registered as aforesaid, a note of such order or report shall be made upon such document. It shall be the duty of the By-law Committee to inspect the records from time to time to ascertain that the same are properly kept as aforesaid, and to report at once to the Council any act of neglect or appearance of inefficiency which they may discover in the keeping of such records.

Impression of seal not to be taken, &c., without leave of Council.—Penalties.

87. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same, without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction for the first offence to a penalty of not less than five shillings nor more than two pounds, for a second offence to a penalty not less than one pound nor more than ten pounds, and for a third and every subsequent offence to a penalty of not less than five pounds nor more than twenty-five pounds.

Records not to be removed, &c.—Penalties.—Exceptional circumstances.—Receipt to be given in every case before document received.—Proviso as to use of records as matter of evidence.

88. Any person removing any such book or other record of the Council as aforesaid from the Council Chamber or the place where by direction of the Council such book or other record is usually kept, without leave for such removal having been first obtained from such Council, or without other lawful cause for such removal, as hereinbefore provided, shall for every such offence be liable to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record as aforesaid, and shall not have returned the same, to prosecution for stealing such book or record, or to an action at law for detention of the same, as the circumstances of the case may warrant: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk by the Mayor, in order that such Clerk may post up entries, prepare returns, or perform any other duty which it may be necessary that he should perform. Also, that the Mayor, or Chairman of any Committee, or any Alderman acting for any such Chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution at suit at law by, against, or at the instance of, the Council; but in all such cases such Council Clerk, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for any document so removed, and every such receipt shall be carefully preserved among the records until the book or other document to which it refers shall have been returned, when such receipt shall be destroyed: And provided also, that the Mayor, Council Clerk, or other officer of the Council, who may be subpoenaed to produce any book or other record of the Council in a Court of law, shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as may be, and shall, before removing the same, leave at the Council Chamber a receipt for such book or other record as aforesaid; and every such person so temporarily removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

89. Any person destroying, defacing, or altering any record of the Council shall for every such offence be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

90. No appointment to any permanent office at the disposal of the Council, to which a salary or allowance of fifty pounds per annum, or a salary or allowance exceeding that amount, is attached, shall be made until public notice shall have been given, as hereinafter provided, inviting applications for qualified candidates for the same. The salary or allowance attached to such office shall in every case be fixed before such notice is given, and shall be stated in such notice.

Mode of appointment.

91. Every such appointment shall be made by ballot in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

92. Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried officer or servant of the Corporation to any other permanent office or employment at the disposal of the Council to which no further salary is attached, or to prevent the appointment in like manner of any such officer or servant to any other office or employment of which the duties require only occasional attention, and are to be paid by allowances proportionate to the extent of such duties; or to prevent any similar appointment or employment by the Mayor or by any committee or officer of the Council under the authority of any By-laws; or to prevent the employment as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipality.

Bonds for good conduct.

93. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the Council Clerk or the bankers of the Corporation, as the Council may order, and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

94. The Council Clerk, in addition to the duties which, by the "Municipalities Act of 1867," or by the present or any other By-laws thereunder he may be required to perform, shall be the Clerk of all Revision Courts held in the Municipality under the provisions of the said Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may by order of the Council

(as hereinafter provided) be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor, and shall, when ordered by the Mayor or Finance Committee, make a half-yearly return of the revenue and expenditure.

Duties of Treasurer, &c.

95. Any officer of the Council, other than the Council Clerk, may have any records of the Council other than those mentioned in section 82 of this "Part" of these By-laws, committed to his charge by an order of the Council, and he shall in such case be responsible to the Council for the safe keeping of such records.

Duties of other officers and servants.

96. The duties of all officers and servants of the Corporation shall be defined by such regulations as may, from time to time, and in accordance with law, be made, as follows, viz.:—As to the duties of the Council Clerk, other than those under section 83 of this "Part" of these By-laws, and his assistants (if any)—by the Mayor or Council; as to the duties of the Council Clerk, under section 84 of this "Part" of these By-laws, of all collectors of rates, bailiffs, bailiff's assistants, and other officers and servants employed in and about the collection of revenue, whose superintendence is not hereinafter specially entrusted to any other Committee—by the Finance Committee; as to all surveyors, architects, clerks of works, overseers, inspectors of water supply, sewerage, and drainage, or other officers and servants employed in and about the public works of the Borough, and in the supply of water therefor, or the sewerage or drainage thereof, whose superintendence is not herein specially entrusted to any other Committee—by the Committee of Works. As to the attorney for the Corporation, Inspector of Nuisances, and other officers and servants employed in and about the carrying out and enforcement of the general provisions of the "Municipalities Act of 1867," and of any other statute of which the operation has been extended to the Borough, and of the By-laws for the general good government of such Municipality, whose superintendence is not herein specially entrusted to any other Committee—by the By-law Committee. As to managers, overseers, workmen, and other officers and servants employed in and about any public reserves and other public places under the care and management of the Council—by the Parks Committee. As to the librarians, managers of public institutions under the charge of the Council, and all other officers and servants employed in or about any matter over which the Council has control, and whose superintendence is not herein specially entrusted to any other Committee or to the Mayor—by the Committee for General Purposes: Provided that all such regulations shall be in writing, and shall be in all cases laid before the Council at the first meeting thereof which shall be holden after the making of any such regulations, and shall be in strict accordance with any such orders or directions as may have been at any time given by such Council touching the matters to which any such regulations may have reference.

Special powers of Mayor.

97. The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such explanation or information already given, and such return, statement, explanation, or information is so on record as hereinbefore provided; or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statements, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanation or information may, except as hereinafter provided, be either rendered viva voce or put into writing as the Mayor may direct.

How complaints against officers to be dealt with.

98. All complaints against officers or servants of the Corporation must be in writing, and must in every case be signed by the person or persons complaining; and no notice whatever shall be taken of any complaint which is not in writing or which is anonymous. All such complaints may be addressed to the Mayor, who, immediately upon receipt of any such complaint, and without laying the case before the Council, shall have power to investigate the same. And if any such complaint be made to the Council, or to any member or officer thereof, it shall be referred to and investigated by the Mayor before it shall be in any way (otherwise than by such reference) ordered upon and dealt with by such Council: Provided that every report, explanation, and information which may be made or rendered in reference to every such complaint shall be in writing. And such Mayor shall state in writing the result of every such investigation, and his opinion as to what order (if any) ought to be made in connection therewith; and such complaints, with all reports, explanations, and information as aforesaid thereon, shall be laid before the Council at the next

meeting thereof which shall be holden after the Mayor shall have made such statement, and shall be duly recorded: Provided further, nothing herein contained shall be held to affect in any way the special power conferred upon the Mayor by section 152 of the "Municipalities Act of 1867," or any other special power which is now or hereafter may be conferred by statute upon such Mayor.

Miscellaneous.

Leave of absence.

99. No leave of absence shall be granted to the Mayor or to any Alderman, otherwise than by a resolution of the Council after due notice.

Motions for rescission of previous orders, &c.

100. Whenever a motion for the rescission of any order, resolution, or vote of the Council shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion: Provided that nothing herein contained shall be held to prohibit the re-construction and amendment of any proposed By-law which may have been submitted to the Governor for confirmation, and may have been remitted to the Council with suggested amendments of the same, or the passage, after the notice as hereinbefore provided, and in due course of law, of any By-law for the repeal or amendment of any other By-law.

Lapsed business.

101. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the resumption of such consideration may be ordered by resolution of the Council, after due notice; and such consideration shall in such case be resumed at the point where it was so interrupted as aforesaid.

Suits and prosecutions for penalties, &c.

102. Such suits, or information for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-law made thereunder, or of any statute the operation of which may have been extended to the Municipality, as may have been directed by the Council, or by the By-law Committee, or by the Mayor, to be commenced or laid as follows, viz.:—When against a member of the Council, or an Auditor, or any officer of the Corporation—by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person—by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by any such officer or person as shall be appointed for the purpose by the Council, or the By-law Committee, or the Mayor, as the case may be, or directing such suit or information as aforesaid; and no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceedings be taken against any officer of the Council, except on the order of such Council, or of the Mayor, nor against any other person, except upon the order of the Council, or of the Mayor, or of the By-law Committee. And no such suit shall be directed to be brought, nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council, in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on its merits: Provided that in any such case the conduct or prosecution of any such suit or information may, on the order of the Council, be entrusted to an attorney.

Mode of calling for tenders.

103. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by public notice, as hereinafter provided.

Drafts of intended By-laws.

104. A draft of every intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by such Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same, and public notice shall be given as hereinafter provided that such draft is so lying for inspection.

How notices are to be published.

105. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, act, order, or regulation done, made, or passed by the Council, or by any Committee thereof, or by the Mayor or any officer of the said Council, such notice shall be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days.

Persons obstructing Officers of the Council.

106. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform, or returning from the performance of, any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language, towards the said officer, in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

Power to suspend temporarily certain portions of this "Part" of these By-laws.

107. Any such section or sections of this "Part" of these By-laws, or any portion or portions of such section or sections as are not hereinafter excepted, may be suspended by resolution on notice at any meeting of the Council: Provided that there shall be a distinct statement in every such resolution, and in the notice of the motion whereon the same shall have been adopted, of the purpose for which such suspension is required, and that for every separate matter or business as to which such suspension is so required there shall be a separate resolution as aforesaid: And provided also that the following sections hereof shall never be suspended, nor shall any one of them nor any portion of any such sections be suspended on any pretence whatever, namely:—Sections 5, 6, 7, 8, 9, 20, 21, 23, 24, 25, 26, 27, 28, 29, 32, 36, 37, 40, 41, 43, 46, 47, 48, 49, 50, 52, 77, 78 to 87 inclusive, 89, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105.

Mode of proceeding in cases not provided for.

108. In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

PART II.

Collection and enforcement of rates—Times and modes of collection.

Rates under section 164 of the 31st Vic., No. 12, to be collected half-yearly.

1. All rates or levies imposed by the Council under the provisions of section 164 of the Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by annual or half-yearly instalments, as the Council shall from time to time direct, and shall be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Special rates.

2. All rates levied or imposed by the Council under sections 165, 166, and 167 of the said Municipalities Act of 1867, and for the purposes mentioned in the said sections, or under the provisions of any of the said sections, or for any of the purposes mentioned therein, shall be collected in such manner, and shall be held to be due and payable on and after such day or days as the Council may, by resolution, at the time of making or imposing such rates, or any of them, have appointed.

Office hours.

3. All rates shall be paid at the Council Chambers during the hours appointed by the Council by resolution from time to time for that purpose.

Defaulters.

4. Every person not paying his or her rates as aforesaid, within thirty days after the day so appointed as aforesaid for payment thereof, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons so in default.

Mayor to enforce payment.

5. It shall be the duty of the Mayor either to issue distress warrants against all such persons so in default as aforesaid, and to cause such warrants to be enforced, or to cause such defaulters to be sued for the amount of such rates in a court of competent jurisdiction.

Enforcement by Distress.

Bailliff.

6. A Bailliff shall, when found necessary, be appointed by the Mayor.

Bailliff's sureties.

7. The Bailliff shall find two sureties, to the satisfaction of the Mayor, to the extent of £25 each, for the faithful performance of his duties.

Duty of Bailliff.

8. It shall be the duty of the Bailliff to make all levies by distress for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

9. All levies and distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor, or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

10. If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the Bailliff shall sell the goods so distrained or a sufficient portion thereof, by public auction, either on the premises or at such other place within the said Municipality as the Bailliff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs, as hereinafter provided, to the owner of the goods so sold, on demand of such surplus by such owner

Inventory.

11. At the time of making a distress the Bailliff shall make out a written inventory in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf resident at the place where the distress shall be made; and in case there shall be no person at the place with whom such inventory can be left aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made; and the Bailliff shall give a copy of the inventory to the ratepayer on demand at any time within one month after making such distress.

Goods may be impounded.

12. The Bailliff, on making a distress as aforesaid, may impound or otherwise secure the goods or chattels so distrained, of what nature or kind soever, in such place or places or in such part of the land or premises chargeable with rates as shall be most fit and convenient for this purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days as hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded and secured as aforesaid, in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

13. The owner of any goods or chattels so distrained upon shall, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

14. The Bailliff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

Costs.

15. There shall be payable to the Bailliff for the use of the Council, for every levy and distress made under this By-law, the costs and charges in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipal District of _____, do hereby authorize you, _____, the Bailliff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, for _____, being the amount of rates due to said Municipality to the day of _____, for the said dwelling-house (or land or premises, as the case may be), and to proceed thereon for the recovery of the said rates, according to law.

Dated this _____ day of _____, 18 ____ Mayor.

SCHEDULE B.

Inventory.

I have this day, in virtue of the warrant under the hand of the Mayor of the Municipal District of _____, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Municipality, for _____, being the amount of rates due to the said Borough to the day of _____.

Dated this _____ day of _____, 18 ____ Mayor.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant, and making levy where the sum is not more than £20	2	0
Above that sum, in addition, for every £1	0	1
For making and furnishing copy of inventory	2	0
For man in possession, each day or part of a day	5	0
For sale, commission, and delivery of goods per pound on proceeds of the sale	1	0

PART III.

Preventing and extinguishing fires.

Fire or combustible materials, &c.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-office, or other premises, fire, gunpowder, or other combustible or inflammable materials of any kind in such a manner as to endanger contiguous buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for forty-eight hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

2. Any person who shall wilfully set fire to any inflammable matter whatever in the open air within five yards of any dwelling-house or other building, or boundary or dividing fence within the said Municipality, without having given notice in writing to the occupiers of the lands or premises adjoining the lands or premises upon which such matter shall be, of his intention so to do, or shall wilfully set fire to such inflammable matter as aforesaid between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five pounds not less than one pound.

Discharging firearms, &c.

3. Any person who shall discharge any firearms without lawful cause, or let off any fireworks or other explosive matter in or near to any road or street within the limits of the town, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

4. If any chimney catch or be on fire, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Court before which the case is heard that such fire was in no wise owing to the omission or carelessness, whether with respect to cleanse such chimney or otherwise, of himself or his servant.

Burning shavings, &c., in the street.

5. Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipality, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

PART IV.

Streets and Public Places.—Public Health and Decency, &c.

New roads to be reported upon.

1. No new public or intended public road, street, lane, way, park, reserve, or other place proposed to be dedicated to the public, shall be taken under the charge and management of the Council until after such road, street, lane, way, park, reserve, or other place as aforesaid, shall have been levelled by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works, or some officer of the Council duly authorized in that behalf, or until the said road, street, lane, way, park, reserve, or other place as aforesaid, shall have been duly examined by the Committee of Works, or such duly authorized officer as aforesaid, and reported upon to the Council by such Committee or duly authorized officer as aforesaid.

Plan of proposed new roads, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, lane, or way, or lay out any park, reserve, or other place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, lane, way, park, reserve, or other place, he, she, or they shall furnish the Council with a plan or plans, signed by himself, herself, or themselves, showing clearly the position and extent of such road, street, way, lane, park, reserve, or other place as aforesaid.

Dedication of new roads, &c.

3. If the Council shall determine to take charge of any such road, street, lane, way, park, reserve, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council; and the proprietor or proprietors as aforesaid shall execute such further instrument dedicating such road, street, lane, way, park, reserve, or other place, use, or recreation as aforesaid, as may be considered necessary by the Council, and such further instrument or dedication shall also be preserved as a record of the Council.

Roads and streets and encroachments.

4. The Committee for Works, or the Surveyor of the Municipality, or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking

out, and shall fix, mark, and lay out the levels of all public roads, streets, lanes, ways, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, ways, and thoroughfares, recourse shall be had, when practicable, to the plans under which the land, with frontage to the road, street, lane, way, or thoroughfare in question, shall have been sold or let. And it shall be the duty of such Committee for Works, or Surveyor, or other officer or person as aforesaid, to place, or cause to be erected, posts at the corners or intersections of such streets, roads, lanes, and thoroughfares, whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footway on each side, where the road, street, lane, way, or thoroughfare shall be 66 feet wide, and in proportion, and in the discretion of the Council in any such road, street, lane, way, or thoroughfare, or other public place of other width than 66 feet: Provided that there shall be no change of level in any such public road, street, lane, way, thoroughfare, or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided: Provided further that this By-law shall be read subject in all respects to "The Width of Streets and Lanes Act of 1831."

Change of street levels.

5. Whenever it may be deemed necessary to alter the level of any such road, street, lane, way, or thoroughfare as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cuttings to be exhibited at the Council Chambers for fourteen days, for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipal District that such plan is so opened to inspection; and no objections thereto shall be entertained by the Council unless made within twenty-one days after such notice shall have been given. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

Footway or pathway when flagged or asphalted not to be interfered with without permission.

6. Whenever the footway or pathway in front of any house or the ground along any road, street, private street, or lane, within the Municipality has been flagged or asphalted by the Council, the same and the asphalt or flagging thereon shall not be removed, taken up, or otherwise interfered with by any person whomsoever without the permission of the Mayor or Committee for Works first being had and obtained. And every person removing, taking up, or otherwise interfering with such footway or pathway, or the flagging or asphalt thereon, without first obtaining the permission of the Mayor so to do, and any person wilfully or maliciously injuring or destroying such footway or pathway, or the asphalt or flagging thereon, shall on conviction forfeit and pay for every such offence any sum not exceeding ten pounds and not less than five shillings.

Erection of house—fee for permission, &c.

7. Any person intending to erect or put up any fence, house, shop, or other erection or building, in or upon the building line of any road, street, lane, passage, thoroughfare, place, or premises within the Municipality, shall either by himself or by his contractor, serve, or cause to be served, seven days' notice in writing on the Mayor or Council Clerk, or other duly authorized officer, before commencing the same, stating his intention, and describing the proposed situation of the proposed fence, house, shop, or other erection or building, for permission to erect any such fence, or any such house, shop, or other erection or building; and every owner of every such fence, house, shop, or other erection or building, who shall, by himself or his contractor, commence to put up or erect any such fence, house, shop, or other erection or building, without having given such notice as aforesaid, shall be liable to forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Pipes, gutters, &c.

8. It shall not be lawful for any person to carry by means of pipes, gutters, or other contrivances, any rain water from the roof of his or her premises or house upon any of the footways of any road, street, lane, or public place within the Municipality. Any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances when required so to do by any officer of the said Council, shall on conviction forfeit and pay any sum not exceeding twenty shillings nor less than five shillings: Provided that the owner or occupier of any such premises or house may convey any such rain water by means of pipes laid under the surface of any such footways into the gutter adjoining the same, and subject to the approval of the Committee for Works, or some officer of the Council duly authorized in that behalf.

No balcony, &c., to project.

9. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any verandah, portico, or balcony, to project beyond the building line of any street, road, lane, or thoroughfare, except with the consent of the Council first obtained; nor shall any balcony, or any other external projection as aforesaid which may hereafter be added to any existing building, be allowed to project as aforesaid, under a penalty not exceeding ten pounds nor less than two pounds, except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street, road, or thoroughfare less than thirty feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice.

10. The Surveyor or other officer or person duly authorized by the Council on that behalf may at any time on the order of the Council, and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, passage, thoroughfare, or public place under the charge of the Council. Notice shall in this case be served either personally, or at the usual or last known abode of the person to whom such obstruction or encroachment in structure belongs, or who has erected the same or caused it to be erected.

Council may remove encroachments.

11. In any case where, after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same, under the superintendence of its Overseer of Works, or other proper officer duly appointed in that behalf, and at the cost of the person so offending (provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds), or at the Council's option to proceed against the offender for the breach of this By-law, the penalty for the first offence not to exceed twenty-five pounds nor to be less than one pound; and in the case of the second and every successive offence, the penalty on conviction not to be less than two pounds nor more than twenty-five pounds.

Or may proceed by action.

12. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council, either to direct such removal and to pay all the costs thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment.

To apply also to obstructions by digging, &c.

13. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the Overseer of Works or other officer of the Council as aforesaid, or any person acting for or under him or either of them, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Overseer of Works, or other such officer as aforesaid, shall on conviction forfeit and pay a penalty of not less than two pounds or more than twenty pounds.

Hoards or fences to be erected.

14. Every person intending to build or take down any building within the limits of the Municipality, or cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done, where any street, road, passage, thoroughfare, or public place, or any part thereof will be obstructed or rendered inconvenient by means of such work, shall before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street with a convenient platform and hand-rail, if there be room enough to leave as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence, with such platform and hand-rail as aforesaid standing in good condition, to the satisfaction of the Overseer of Works or other officer of the Council of the Municipality duly appointed in that behalf, during such time as the public safety or convenience requires, and shall, in all cases in which it is necessary, in order to prevent accidents, place lights on each side of the said hoards or fences and keep the same burning from sunset to sunrise; and every such person who shall fail to put up such fence or hoard or platform, with such hand-rail as aforesaid, or to continue the same respectively, standing in such good condition as aforesaid, during the period of such building or taking down, or who shall not, while the said hoard or fence is standing, place lights on each side of the said hoards or fences, and keep the same burning from sunset to sunrise, or who shall not remove the same when directed by the Overseer of Works or such other officer of the Council of the Municipality within a reasonable time afterwards as aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings for every day such default is continued.

No turf, gravel, &c., to be removed from streets without permission.

15. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or foot way of any street, road, lane, or other public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage such carriage or foot way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Holes to be enclosed.

16. Any person or persons who shall dig or make, or cause to be dug or made, any hole, or leave or cause to be left, any hole adjoining or near to any street, road, lane, passage, thoroughfare, or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations to any house or other buildings, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Committee for Works or Foreman of Works of the said Municipality, or shall keep up or cause to be kept up and continued, any such enclosure, for any time which shall be longer than shall be absolutely necessary, in the opinion of the said Committee, and shall not place lights on each side of the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding ten pounds.

Open spaces and steps adjoining the footways to be enclosed, under penalty.

17. Every owner or occupier of any land, house, building, or premises within the said Municipality, having any entrance, area, garden, or other open space, or any vacant building lot, waterhole, quarry, excavation, or opening in the ground adjoining or near to any footway of any street, road, lane, passage, thoroughfare, or public place in such Municipality, shall protect and guard the same by good and sufficient fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted for any such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner and occupier as aforesaid who shall fail to erect such rails, fence, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Wells to be covered over.—Penalty.

18. Every person who shall have a well or underground tank, used for domestic or other purposes, situated between his or her dwelling-house or the appurtenances thereof, and any road, street, or footway within the limits of the said Municipality, or at the side of, or in any yard or place open or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over; and if every person having such well or underground tank as aforesaid shall fail to cover over and secure the same within twenty-four hours after notice in writing shall have been given to him or her by the Overseer for Works or other officer of the Council duly authorized in that behalf, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open and uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs.

19. The Mayor, or any officer or person acting under the authority of the Mayor, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any other necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

20. Any person who shall haul, draw, or cause to be hauled or drawn, upon any part of any street, road, lane, thoroughfare, passage, or other public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or draw, or trail upon any part of such street, road, lane, thoroughfare, passage,

or public place, to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings, nor less than five shillings, over and above the damage occasioned thereby.

Driving carriages, &c., on footpath; and throwing filth, &c.

21. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood or any matter or thing in or upon the carriage-way, footpath, gutter, or water-table of any street, road, lane, thoroughfare, passage, or public place in the said Municipality; or shall kill, slaughter, dress, or cut up any beast, swine, sheep, lamb, or other animal in or so near to any such street, or public place as that any blood or filth shall run or flow upon or over, or be on any or either of such carriage-way, footway, gutter, or water-table; or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the said footways of any such street, road, lane, passage, thoroughfare, or public place, any waggon, cart, dray, sledge, or other carriage, truck, or any bicycle or tricycle, or any hogshead, cask, or barrel; or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Placing carriages, goods, &c., on footways, &c.—Not removing when required. Replacing the same after removal.—Not to prevent awnings being erected in front of shops.

22. Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on hinges or otherwise), basket, wares, merchandise, casks, or goods of any kind whatever; or shall hoop, place, wash or cleanse; or shall cause to be hooped, placed, washed or cleansed any pipe, barrel, cask, or vessel in or upon or over any carriage-way, footway, gutter, or water-table in any street, road, lane, passage, thoroughfare, or public place within the said Municipality; or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage; or taking up or setting down any fare; or waiting for passengers when actually hired; or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage-way, footway, gutter, or water-table, any timber, stone, bricks, lime, or other material or things for buildings whatsoever (unless the sanction of the Overseer for Works or other officer of the Council duly authorized in that behalf has been first had and obtained, or unless the same shall be enclosed to the satisfaction of the Overseer of Works or such other officer as aforesaid) or any other matters or things whatsoever; or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such footway, carriage-way, gutter, or water-table, or over any area of any house or building premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto any such street, road, lane, passage, or thoroughfare, or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other officer of the Council duly authorized in that behalf; or if any person who, having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stone, bricks, lime, meat, offal, or other things, or matter whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot way or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for the third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house, in such manner as that such an awning shall be at least eight feet above the proper level of the footway, and that the posts be placed close to the kerbstone or outer edge of such footway, and that the said posts and any framework be erected to the satisfaction of the Council, and as may from time to time be directed by the Council.

Public Health.

23. All drains, earth-closets, privies, and cesspits, and ash-pits, on any premises in the said Municipality constructed shall be maintained and kept by the owner, occupant, or agent of such premises, so as not to be a nuisance or injurious to health, and so as that there shall be no overflow or soakage therefrom.

24. No person shall carry or convey, or cause to be carried or conveyed, through, upon, or over any street, or public place in the said Municipality, except within the hours of ten o'clock at night and five in the morning, any unwholesome or offensive matter of any kind whatsoever, and nothing herein contained is to have the effect of repealing any By-law now in force for the mode and times of removal of night-soil.

Sale of blown meat, &c., forbidden.

25. No person shall sell, or expose, or have for sale, or keep on his premises, any meat or any other article intended, but unfit for human food, or shall expose or have for sale any adulterated butter, meal, bread, or other article of food, or any adulterated milk, knowing either of them to be so adulterated; and any person offending against this By-law, shall for every such offence, be liable on conviction to pay a penalty not exceeding twenty pounds, and shall also be liable to a further penalty not exceeding five pounds, for every day during which any forbidden article shall be kept on the premises of such person.

No person to keep meat unfit for food.

26. No person shall keep or have in his possession, or retain in any building, shop, or other place, exposed for sale, any dead animal, carcass, meat, poultry, or fish, intended for, but unfit for human food, and every person offending against this By-law, shall, for every such offence be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which any such forbidden thing shall be kept or retained by any such person.

Sale or letting of infected premises or goods.

27. If any person shall sell, let, or cause to be sold or let, any dwelling-house, or part thereof, or premises occupied in connection therewith in the said Municipality, which then is, or shall have been within thirty days prior to the date of such sale or letting, occupied by any person suffering from any infectious or contagious disease, without giving due notice thereof to the person or persons purchasing, renting, or hiring any such house or premises, the person selling, letting, or causing to be sold or let, shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds. And any person who shall sell, let, or cause to be sold or let, in the said Municipality, any article of furniture, bedding, household or personal effects, knowing the same to have been within three months prior to the date of such sale or letting used by any person or persons suffering from any infectious or contagious disease, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Exposing infected articles.

28. Any person who shall expose, or cause to be exposed in any road, street, public place, or unclosed land adjacent to any dwelling, road, street, or public place, any article whatsoever, knowing the same to have been in the use or occupation of any person suffering from any infectious or contagious disease within thirty days prior to the date of such exposure as aforesaid, shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds.

Regulation of traffic in streets.

29. Any person or persons riding or driving into or out of any yard or alley abutting on any street or road within the Municipality, shall do so at a walking pace, and anyone offending against this By-law shall on conviction be liable to a penalty of not less than five shillings nor more than two pounds.

30. All persons conducting or taking horses along any street, thoroughfare, or public place within the Municipality, shall keep them secured by means of a halter or bridle, and shall lead them, and no person shall run or drive, or cause to be run or driven, any horse or horses loose through any such street, thoroughfare, or public place, as aforesaid; nevertheless that horses being taken to the public pound, and afterwards impounded therein or mobs of horses being driven to or from market, shall not be within the meaning of this By-law. Every such person so offending shall upon conviction forfeit and pay a sum not less than five shillings nor more than two pounds.

Riding bicycles or tricycles on footpaths.

31. Any person who shall ride a bicycle or tricycle along or upon any of the footpaths within the Municipal District of Mittagong shall upon conviction forfeit and pay any sum not more than two pounds nor less than five shillings.

32. Any person who shall ride a bicycle or tricycle upon or along any street in the said Municipality without having a light attached to the same, between sunset and sunrise, shall upon conviction forfeit and pay any sum not more than two pounds nor less than five shillings.

Riding on drays—careless driving, &c.

33. If the driver of any waggon, wain, cart, or dray, of any kind shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse or driven or guided with reins only excepted), or if the driver of any carriage whatsoever shall

wilfully be at such a distance from such carriage, or in such a situation whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses, or cattle drawing the same, or if the driver of any waggon, cart, dray, coach, or other carriage whatsoever meeting any other carriage, shall not keep his waggon, cart, dray, coach, or other carriage on the left or near side of the road, street, or thoroughfare, or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every driver or person so offending shall upon conviction forfeit and pay any sum not exceeding two pounds.

Name and place of abode.

34. The owner of every vehicle used for the conveyance of goods who shall allow the same to be driven through the Municipality without having his name and place of abode painted in full on the off side legibly and the driver of any such vehicle who shall refuse to give his and the owner's name and address when called on to do so, shall forfeit and pay a sum not exceeding £2.

Hours within which cattle may not be driven through certain streets.

35. That any person or persons who shall drive or cause to be driven through Main-street, between Pioneer-street and Fitzroy-street; Queen-street, between Main-street and Edward-street; Victoria-street, between Main-street and Edward-street; Station-street, between Main-street and Regent-street; Alice-street, between Main-street and Edward-street; Helena-street, between Main-street and Edward-street; any cattle other than milking cows and working bullocks, between the hours 8 a.m. and 6 p.m., except by permission in writing from the Mayor or any two Aldermen, shall forfeit and pay a penalty not exceeding five pounds: Provided that this By-law shall not interfere in any way with cattle being driven by the shortest route to the public pound.

Riding or driving furiously.

36. Any person who shall ride or drive through or upon any street, road, lane, passage, thoroughfare, or public place within the said Municipality, so negligently, carelessly, or furiously as to create alarm, or so as that the safety of any other person or of any property shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Damage to kerbstones, gullies, &c.

37. No driver or carter or other person shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to any culvert, kerbstone, gutter, or pathway in any street or roadway in the Municipality aforesaid; and any person offending against the provisions of this By-law shall for every offence forfeit and pay a penalty of any sum not exceeding five pounds nor less than ten shillings over and above the damage done.

Loitering in the streets, &c.

38. Any person loitering or standing on the footway or carriage-way of any road, street, lane, or other public place within the said Municipality, so neglecting or refusing without reasonable cause or excuse to move on after having been requested so to do by any constable or other police officer, or any officer duly authorized by the Council of the said Municipality in that behalf, shall on conviction forfeit any sum not exceeding ten pounds nor less than five shillings.

Blasting Rock.

No rock to be blasted without notice to Council Clerk.

39. Any person or persons who shall be desirous of blasting any rock within one hundred yards of any street, road, lane, passage, thoroughfare, or public place, or dwelling-house in the Municipality, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person or persons shall blast, or cause to be blasted, any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him or them by the said Council Clerk, he, she, or they shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

40. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality shall, over and above the necessary expense for repairing the injury committed, be liable to forfeit any sum not less than one pound nor more than five pounds.

As to damaging buildings.

41. Any person who shall damage any public building, gate, wall, parapet, fence, sluice-bridge, culvert, sewer, watercourse, or other public property within the Municipality, shall pay the costs of repairing the same; and if any damage be wilfully done, shall be liable to forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Affixing placards on walls, &c.

42. If any person or persons shall paste, or cause to be pasted, or otherwise affix any placard or other paper, or chalk, or paint upon any wall, house, fence, culvert, kerbstone, pathway, hand-rail, or other property of the Council, or in any other manner deface the same without authority of the Council, he or they shall be liable to forfeit and pay for every such separate offence a sum not exceeding five pounds nor less than one pound.

Damaging trees.

43. Any person who shall wilfully, and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street, road, lane, passage, thoroughfare, reserve, park, or public place under the management of the Council, shall be liable to forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways.

44. If the owner or occupier of any land situate on the side of any street, road, lane, thoroughfare, or other public place within the Municipality, shall permit any shrub or plant, kept for ornament or otherwise, to overhang any footpath, footway, or carriage-way, on the side of any such street, road, lane, passage, thoroughfare, or other public place, so as to obstruct the passage thereof, and shall not, on demand made by the Council, or their Inspector, Overseer, or other officer duly authorized on that behalf, cut or cause to be cut, or lop or cause to be lopped, all such trees, shrubs, or plants, to the height of eight feet at the least, the Council and their servants, labourers, and workmen, may cut, lop, or cause to be cut or lopped, all such overhanging trees, plants, and shrubs, and may remove or burn, or cause to be removed or burnt, any portion of such trees so cut and lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every such person so offending shall on conviction for every such offence be liable to forfeit and pay any sum not exceeding ten pounds.

Injuring public fountains, &c.

45. Any person who shall injure any public fountain, pump, cock, water-pipe, or any other thing connected with the preservation or supply of water to the Municipality, or to any portion thereof, shall forfeit and pay the amount of such damage, and any further sum not exceeding five pounds; and any person who shall bathe and wash himself, or shall wash any clothes or other article at or in any reservoir, channel, fountain, or basin provided for public use, or who shall in any other way foul the water preserved or used for the purpose aforesaid, shall forfeit and pay any sum not exceeding five pounds.

Dead animals, &c., not to be thrown into any public watercourses, &c.

46. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public watercourse, sewer, waterhole, river, creek, road, or pathway; or who shall suffer any slops, suds, or filth of any kind to flow from his or her premises into any such watercourse, waterhole, river, creek, or sewer; or shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways, water-tables, or streets of the Municipality; or shall permit or cause by means of pipes, shoots, channels, or other contrivances, any such suds or filth of any kind whatsoever to flow into any public watercourse, waterhole, river, creek, or sewer; or shall obstruct or divert from its channel any sewer or watercourse, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds, and shall pay cost of restoring such obstructed or diverted watercourse, creek, or canal.

Dead animals—mode of removal.

47. If any animal shall die in any part of the Municipality, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately destroyed by fire, or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than two pounds.

Power of Inspector as to dead animals or private premises.

48. The Inspector of Nuisances, or any other officer appointed by the Council of the Municipality, may at any hour in the daytime enter upon any premises or place within the said Municipality where any animal has died, and require the

owner or occupier of such premises or place immediately to destroy such animal by fire, and, if necessary, to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid, in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for that purpose; and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition shall forfeit and pay any sum not exceeding thirty pounds nor less than three pounds.

Dead animals, in certain cases, to be removed at cost of owner.

49. If any animal shall die in any public street or place within the Municipality, it shall be immediately removed by the Inspector of Nuisances, or other officer appointed by the said Council, and destroyed in the manner aforesaid, at the cost of the owner.

Hog-sties to be forty yards from streets, and no animals suffered to stray, &c.

50. Any person who shall keep, breed, or feed any kind of swine in any house, building, yard, garden, or other place, situated and being within forty yards of any street, road, lane, thoroughfare, park, reserve, or public place in the Municipality or nearest dwelling-house, or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, cow, or any other animal of a like nature, or any poultry belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any such street, road, lane, park, reserve, thoroughfare, or public place unless by permission of the Council, shall on conviction forfeit and pay any sum not exceeding forty shillings nor less than five shillings, for each and every animal so kept, bred, fed, suffered to stray, or go about, or to be tethered or depastured in any such street or public place as aforesaid, and the owner or occupier of any house or premises, or other place within the said Municipality, wherein any such swine, horse, ass, mule, sheep, goat, cow, or other animal is kept, fed, milked, or used in any whatsoever, shall within the meaning of these By-laws, be deemed the owner of such animal so kept, bred, fed, suffered to stray, or to be tethered or depastured in any such street or public place as aforesaid; and the words "any house," "building," "yard," "garden," or "other place, wherein any kind of swine shall be bred or kept as aforesaid, shall respectively be deemed hogsties within the meaning of these By-laws; and the word "horses" shall be sufficient designation for any entires, geldings, mares, or foals, and the word "cattle" for any bulls, oxen, cows, or calves, when more than one is the subject of any information and summons under the provisions of these By-laws.

Stables, cow-sheds, and pig-sties.

51. The occupier of any land or premises within this Municipality, on which there shall be erected any stable, cow-yard, fowl-house, cattle-shed, or pig-sty, shall cause such premises to be kept in such a state in respect to cleanliness as not to be a nuisance or injurious to health, and shall cause all dung, soil, or manure, produced or accumulated thereon to be collected in a place (to be approved of by the Inspector of Nuisances) in the yard of such premises, and there to be in an inoffensive condition, and so as not to be productive of any nuisance; and shall cause such dung, soil, or other manure, to be from time to time removed from such premises, as often as the quantity so collected shall amount to one cubic yard. And if at any time the owner or occupier of any such premises shall neglect or fail to have such dung, soil, or other manure removed therefrom as aforesaid, the same shall be removed by the Inspector of Nuisances, at the expense of such occupier. For an offence against this By-law any person shall be liable to a penalty of not less than one pound nor more than five pounds.

Premises in state to endanger public health.

Houses to be purified on certificate of two medical practitioners.

52. If upon the certificate of any duly two qualified medical practitioners it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the limits of the said Municipality, is in a filthy or unwholesome condition, that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith, would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith, to whitewash, cleanse or purify the same, as the case may require; and if the person to whom such notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

As to private avenues, or dirty or unwholesome premises.

53. Any owner or occupier of any house, building, yard, garden, premises, or other place within the Municipality, who shall neglect to keep clean any private avenues, passages, yards, thoroughfares, and ways within the said premises so occupied or belonging to him, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than ten shillings for every such offence.

Cleansing butchers' shambles, slaughter-houses, &c.

54. For preserving the cleanliness of the Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the council from time to time, and when and as often as he, they, or any of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, and fellmongering establishments, manufactory, factory, or establishments in the Municipality and give such directions concerning the cleansing of the said shambles, slaughter-houses, tanneries, and establishments, both within and without, as to him, them, or any of them shall seem needful; and any butcher, or the owner or occupier of any such shamble, slaughter-house, tannery, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds and not less than ten shillings.

Complaints respecting dirty premises, &c.

55. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any other officer appointed by the said Council, shall make an inspection of the premises complained of, and the Inspector of Nuisances, or other officer appointed by the Council as aforesaid, shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain and be in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Noxious weeds.

56. All owners or occupiers within this Municipality shall remove and burn all kinds of thistles, Bathurst burr, or other noxious weeds upon lands owned, rented, or occupied by them, and any owner, tenant, or occupier neglecting to comply with this By-law, after fourteen days notice from any officer of the said Municipality requiring him to remove and burn such weeds as aforesaid, shall be liable to a penalty of not less than twenty shillings and not exceeding five pounds.

Various obstructions and annoyances.

57. Every person who, in any street, road, lane, thoroughfare, park, reserve, or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers in or through the Municipality, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than five pounds:—

- (1.) Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street, road, lane, passage, thoroughfare, or public place, and close to the footway thereof, without sufficient and proper ropes and tackling.
- (2.) Every person who shall carry or convey or cause to be carried or conveyed in any street, road, lane, passage, thoroughfare, or public place, the carcass or any part of the carcass of any newly-slaughtered animal without a sufficient clean and proper cloth covering the same for the concealment from public view, or shall hawk or carry about butcher's meat for sale without covering the same as aforesaid.

Throwing filth, &c., on footways, &c.—Killing animals.

- (3.) Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or filth, or annoyance, or any matter or thing, into any public watercourse, sewer, or canal, or in or upon the carriage-way, foot-way, or water-table of any street, lane, or other public place in the said Municipality, or shall kill any beast, swine, calf, sheep, lamb, or other animal for the purpose of sale, upon any premises within the Municipality, shall on conviction forfeit and pay a fine not exceeding five pounds and shall in addition to any such forfeiture pay the cost of removing such filth or obstruction.

- (4.) Every person who shall place any line, cord, or pole, across any street, road, lane, passage, thoroughfare, or public place within the Municipality, or hang or place clothes thereon, or allow any tree or shrub to overhang the footpath to the danger or annoyance of any person.
- (5.) Every person who shall haul, place, or cause to be hauled or placed, any boat, gear, or spars, upon any of the reserves within the Municipality aforesaid, and refusing to remove the same when lawfully requested so to do.
- (6.) Every person who shall place any flower-pot in any upper window near to any street, road, lane, passage, thoroughfare, or public place within the Municipality, without sufficiently guarding the same from being thrown down.
- (7.) Every person who shall place, hang, or affix any sign-board, post, house-ticket, notice, or other similar thing, otherwise than close and parallel to or flat upon the wall of the house, shop, or building to which the same belongs.
- (8.) Every person who shall throw or cast from the roof, or any part of any house or other building, any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure when any house or buildings are being erected, pulled down, or repaired).
- (9.) No person unless by permission of the Council shall deposit, or cause or suffer to be deposited, in or by the side of or on any road, street, right-of-way, lane, passage, water-channel, or gutter, or in any creek, or in any other public place within the Municipality, any dust, mud, ashes, rubbish, filth, offal, manure, liquid manure, dung, or soil; and no person shall deposit or cause or suffer to be deposited, any night-soil or any other offensive matter on any land, field, or garden, within the Municipality.
- (10.) Every person who shall carry goods on any frame to the annoyance of any person upon the footway of any street, road, lane, or other public footway.
- (11.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way or use of any private yard, alley, street, or any other place within the said Municipality.

Passengers, &c., not to be interrupted by dusting.

- (12.) Between the hours of eight o'clock in the morning and seven o'clock in the evening of any day, no person shall cause interruption, annoyance, or inconvenience to passengers along the streets or footpaths of the said Municipality, by raising or discharging dust upon or across any such street or footpath, whether from buildings in process of erection or demolition, or otherwise howsoever.
- (13.) Any person who, being the owner or person in charge of any pigeons, shall permit any such bird to be at large within the Municipality, shall on conviction forfeit and pay a penalty not exceeding forty shillings nor less than ten shillings, and any person duly authorized by the Council may destroy such bird without being responsible to any person claiming the ownership of such bird.

Bathing prohibited within certain limits.

58. Any person who shall bathe near or within view of any inhabited house or of any public bridge, street, road, or other place of resort, within the limits of the Municipality, between the hours of six in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding one pound for every such offence.

Penalty on indecent exposure of the person.

59. Any individual who shall offend against decency by exposure of his or her person in any street, road, lane, passage, or thoroughfare, or public place within the Municipality, or in view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds, nor less than one pound.

PART V.

Noisome and offensive trades.

Complaint.—Inquire and report.—Order of Council thereon.—Notice to discontinue, &c.—Penalty.

1. Upon the complaint in writing by any householder, that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property, as to injure his or her health, or the health of his or her family, or to otherwise annoy, injure, or be a nuisance to such householder and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises where such trade is alleged to be so conducted, followed, or carried on as aforesaid, and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to the said Council. And if the said Council shall, on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint

is well founded, and that any manufacture, trade, calling, or operation so complained of, and so being conducted, followed, or carried on as aforesaid, is a noisome or offensive trade, within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation as that within such reasonable time as aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade as aforesaid, shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds; for a second offence a sum of not less than five pounds nor more than twenty-five pounds; and for a third and every subsequent offence, a sum not less than ten pounds nor more than fifty pounds.

Mode of proceeding when noisome or offensive trade is about to be commenced.—Penalty.

2. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove noisome and offensive within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, her, or them not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming noisome and offensive within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way noisome and offensive within the meaning of these By-laws, shall for every such offence forfeit and pay a sum not less than ten pounds nor more than fifty pounds.

Service of notice.—Liabilities.

3. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all the purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation, within the meaning and for all the purposes of these By-laws.

PART VI.

Public Exhibitions, &c.

Exhibitions, &c., to be licensed.

1. No exhibition, other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14th Victoria, No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the Municipality, nor shall any bowling-alley, dancing saloon, or other place of public amusement, other than a place licensed as aforesaid, or place for temporary amusement hereinafter specially provided for, be used as such, for hire or profit, within the Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor.—Penalty for exhibiting, &c., without license.

2. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the Municipality to be used for purposes of public amusement other than entertainments required to be licensed as aforesaid for not more than one week: Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid; or if there shall be reasonable cause for believing that such exhibition or amuse-

ment will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality. Every person holding or keeping such exhibition, or using any place within the Municipality for public amusement as aforesaid, or causing or permitting such place to be used, without such permission of such Mayor, shall forfeit and pay a sum not less than five shillings nor more than forty shillings for every day that such exhibition shall be so held or kept, or such place shall be used for public amusement as aforesaid.

Public buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid in or upon such building or ground, and the name of such occupier. And every person who causes, and every occupier of any such building or land who permits any such exhibition to be held or kept, or any public amusement to be conducted for longer than one week in or on any such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence any sum not less than one pound nor more than twenty pounds.

Certificates of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid, stating the particulars aforesaid; and if, upon inspection by the proper officer, the building or land shall have been found to be secure and proper for the purpose stated; and if the proposed exhibition or amusement shall not be such as to require a license from the Colonial Secretary as aforesaid, and shall not be thought likely to entail any violation of public decency, or to endanger the public peace, or to be a nuisance to any inhabitants of the said Municipality, the said Council shall cause the aforesaid premises to be registered in a registry book, to be kept for that purpose, and shall thereupon grant to the applicant a certificate of such registration of such premises. And the said Council may at any time, and for any of the causes hereinafter mentioned, suspend for a stated period the effect of or cause of any such registration, and shall forthwith give notice of such suspension or cancellation to the occupier of the registered building or land; and during such suspension, or after such cancellation, such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration, and such certificate shall be of no force or virtue.

Inspection.

5. The proper officer of the Council, duly authorized in that behalf, may at all reasonable times enter into or upon and inspect any such registered building or land.

No exhibition, &c., on Sundays, &c.

6. No such exhibition or place of public amusement as aforesaid, shall be held, except by permission of the Council, or kept open or used for the purposes of such public amusement on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Registration fee.—Time for which registration shall be in force.

7. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Municipality, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing, and no longer.

Certificate of registration to operate as license for exhibition, &c., named therein, and no other.

8. The certificate of registration aforesaid shall be regarded as a license from the Council for the holding or keeping of the exhibition, or for carrying on the public amusements therein mentioned, but for none other. Any occupier of such building or land who shall hold or keep therein or thereon any exhibition, or shall use such building or land for any public amusements other than such exhibitions or amusements mentioned in such certificate or license, shall for every such offence forfeit and pay any sum not less than ten shillings, nor more than ten pounds.

Unlawful games and exhibitions.

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any game with dice or other games of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality, or involving cruelty to animals, or likely to cause any breach of the peace, are proposed to be had or carried on, and the occupier of any building or land so registered as aforesaid who shall permit any such game of

chance, or exhibition, or amusement as are in the section before-mentioned, to be had, held, or carried on, in or upon such building, shall for every such offence forfeit and pay a sum of not less than ten shillings nor more than ten pounds.

Suspension or revocation of license.—Notice to be given and licensee to be allowed to show cause.

10. The effect of any such registration as aforesaid may be suspended, or such registration may be cancelled, as the Council may think fit, for any of the following cases, namely: Whenever the occupier of the registered building or land, or the manager of any such exhibition or amusement, as aforesaid, held, kept, conducted, or carried on, in or upon such building or ground, shall have been twice convicted of offences against these By-laws within a period of twelve months, or whenever it shall be shown to the satisfaction of the said Council that the superintendent, director, or manager, or other person in charge of any such exhibition or amusement, is a confirmed drunkard, or that such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace, or become a nuisance to any inhabitants of the Municipality: Provided that, before any such suspension or cancellation as aforesaid, the occupier of such registered building or land shall have notice of the fact, the said Council is about to consider whether there shall be any such suspension or cancellation, and of the causes of this proceeding, and shall be allowed to show cause against such suspension or cancellation before the same shall be ordered.

Construction of term "occupier"—Change of occupancy—False statement.

11. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition, or public amusement as aforesaid, in or upon any building or land as aforesaid, or who shall reside in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on; or who, being the owner, lessee, or tenant of any such building or land, shall permit the same to be used for the purposes of any such exhibition or public amusement, shall be deemed to be the occupier of such building or land for all the purposes of these By-laws. And the said By-laws shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every other occupier whose name shall have been so registered as aforesaid shall be deemed and taken to be, and continue to be such occupier for all the purposes of these By-laws: Provided that in the event of any change in the occupancy of any such building or ground as aforesaid, it shall be competent for the parties concerned to notify the same, by writing under their hands, to the Council Clerk, who shall lay such notification before the Council at its next meeting; and if, after such inquiry as such Council may deem necessary, there shall seem to be no valid objection to such change of occupancy, a corresponding entry shall be made in the registry aforesaid, and a new certificate shall be issued, which shall be in force until the then next ensuing thirty-first day of December, and no longer. And for every such new certificate a fee of five shillings shall be paid to the said Council Clerk for the benefit of the said Municipality. And every person who shall make any false statement in any such application or notice as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice, shall for every such offence forfeit and pay any sum not less than one pound nor more than twenty pounds.

PART VII.

Water Supply.

Polluting water, reservoirs, &c.

1. Whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the Council, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever; or shall cause or permit, or suffer to be run or to be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water; or shall wash any clothes at any public fountain or pump, or in or at any such stream, reservoir, conduit, aqueduct, or other waterworks as aforesaid; or shall do anything whatsoever whereby any water or waterworks belonging to the said Council, or under their management or control, shall be fouled, obstructed or damaged, shall, for the first offence, be liable to forfeit and pay any sum not exceeding five pounds, for a second offence any sum not less than five pounds nor more than ten pounds, and for a third, and every subsequent offence, any sum not less than ten pounds nor more than twenty pounds.

Willful waste of water.

2. Whosoever, being supplied with water by the Council from any waterworks, fountain, reservoir, or standpipe, or belonging to, or under the control or management of the said Council, or having access to any such waterworks, fountain, or reservoir, for the taking of water therefrom, shall wilfully or negligently suffer any water to run to waste from any pipe,

pump, or conduit, from or by which he shall be so supplied, or to which he shall have such access, shall forfeit and pay for the first offence any sum not exceeding five pounds, for a second offence any sum not less than one pound nor more than twenty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than forty pounds.

Damming up water without consent.

3. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment, or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural watercourse, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall move such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay a sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds, and if within a reasonable time after a third or any further conviction he shall still fail to remove such dam or embankment he shall for every such offence forfeit and pay a sum of fifty pounds.

Diverting waters from reservoirs of Council in certain cases.

4. In any case in which the Council shall have the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the said Council, or under their management or control, the storm-water having fallen on any gathering ground, whosoever shall, by any means whatsoever, divert any such water from the course of its natural flow, so that the same shall tend to flow elsewhere than to such reservoir or waterworks, or some watercourse leading thereto, or shall flow to the same respectively in a foul state, shall forfeit and pay for the first offence any sum not less than one pound nor more than twenty pounds, for a second offence any sum not less than two pounds nor more than forty pounds, and for a third and every subsequent offence any sum not less than five pounds nor more than fifty pounds.

PART VIII.

Sewerage and Drainage.

No private sewers to be made to communicate with the public sewers without notice.

1. It shall not be lawful for any person, without notice to the Council, or otherwise than according to such plans and directions as such Council may make and give, to make or branch any private drain or sewer into any of the public drains, sewers, or channels, or into any drain or sewer communicating therewith; and in case any person or persons shall make or branch any private drain or sewer into any of the said public drains or sewers, or into any drain or sewer communicating or to communicate therewith, without such notice, or otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Proprietors of private sewers, &c., to repair and cleanse same.

2. All drains or sewers communicating with any public drain or sewer shall from time to time be repaired and cleansed under the inspection and direction of the Council, at the costs and charges of the occupiers of the houses, buildings, lands, and premises to which the said private sewers or drains shall respectively belong; and in case any person shall neglect to repair or cleanse, or cause any such private drain or sewer to be repaired or cleansed, according to the directions of the Council, he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Disposal of sewerage, &c.

3. The Council shall have power from time to time to enforce the adoption or alteration of any system which to them may appear necessary for the better regulation, disposal, or treatment of night-soil, sewerage, or other drainage, and may suspend the use or further extension of any system which to them may appear detrimental to public health. Any person refusing to comply with any requisition made under this By-law after receiving notice from the Council or an officer under them, shall forfeit a sum not exceeding five pounds nor less than one pound for each offence.

PART IX.

By-laws for the Municipality of Mittagong for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. No cesspit, closet, or pit to contain faecal matter shall be allowed to be made. Every person about to erect an earth closet shall, before he commences any such work, give to the Council Clerk seven days' notice in writing of his intention, and of the proposed position of such earth closet, or in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty of not less than one pound nor more than five pounds.

2. No earth closet shall be erected except in such position as shall be approved by the Inspector of Nuisances or other officer appointed by the Council, or shall be approved by the Council; and any person being guilty of a breach of this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

3. Every earth closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide, and 4 feet 6 inches long, and shall be provided with a door capable of being fastened from the inside, and shall be ventilated; and every person building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

4. A separate closet shall be provided for every tenement, in schools or factories, where a number of persons shall be employed, separate closets shall be provided for each sex, with a door to fasten on the inside; where two or more closets adjoin each other, there shall be a dividing wall between each to effect a complete separation; and any person offending against the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds.

5. Every earth closet already built, or hereafter to be built, shall be provided with an iron pail, capable of containing not more than six gallons, and having handles attached to two sides thereof, and also with a box or compartment containing dry earth or ashes, and provided with a pint scoop, to enable any person using the closet to throw a pint of dry earth or ashes through the seat into the iron pail.

6. The owner of every house let to a tenant for a shorter term than one year, or his agent employed to let the house, shall be liable to a penalty of not less than one pound nor more than five pounds for neglecting or refusing to supply the articles mentioned in section 5 of this Part of these By-laws.

7. When two or more closets adjoin each other, there shall be a sufficient dividing brick or stone wall not less than nine (9) inches in thickness between every two closets, and such wall shall extend from the bottom of the closet through the roof of the closet, so as to effect a complete separation; and every person building closets adjoining each other contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

8. In schools, factories, or other places of business where a number of persons exceeding twenty shall ordinarily reside, or be occupied or employed, one closet shall be supplied for every twenty persons, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against this By-law, or fail to provide the number of closets and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

9. Every closet shall be built in such a position that the same may be emptied without the contents being carried through any dwelling-house; and every person building a closet contrary to this By-law shall be liable to a penalty of not less than one pound nor more than five pounds.

10. If any alteration shall be requisite, in the opinion of the Inspector of Nuisances, or any officer appointed by the Council in that behalf, for preserving the public health or decency, in the case of any existing closet, and the Council shall adjudge such closet to be either injurious to health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances, or other officer, and the cost of such alterations shall be paid by the owner or occupier of the premises whereon the same shall be.

11. All night-soil shall be removed by a contractor or other authorized servant to the Council in carts to be constructed in an approved and water-tight manner to the satisfaction of the Council, and between the hours of ten p.m. and five a.m. Such contractor or other authorized servant shall convey the same without delay to an appointed depot, and shall dispose of the same to the satisfaction of the Council. And such contractor or servant neglecting to comply with this By-law shall forfeit and pay a sum not exceeding twenty pounds and not less than ten pounds for every such offence.

12. The place of deposit shall be in such locality as may be from time to time determined upon by the Council and approved of by the Governor.

13. Until otherwise provided by the Council, all night-soil from existing closets shall be removed from cesspits by contract or otherwise in water-tight covered vehicles, between the hours of eleven o'clock in the evening and five o'clock in the morning.

14. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

15. In case the Council shall sell or give away any night-soil the same shall be removed in the same manner as above provided, and on being removed from the vehicles in which it is carried shall be deodorized by chemicals or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom. Any person guilty of a breach of this By-law shall be punishable by a penalty of not less than one pound nor more than twenty pounds.

16. When any new building is about to be erected, the builder thereof shall first erect and fence off, with a close-paling fence five feet high on the premises, a temporary closet, not less than three feet by two feet six inches, for the use of the workmen employed on such building; and any person neglecting to conform to this By-law shall be liable to a penalty not exceeding five pounds and not less than two pounds.

17. All earth-closets shall be emptied once in seven days, or oftener, and the contents buried in the earth; and every person infringing this By-law shall be liable to a penalty of not less than one pound nor more than two pounds.

18. No person shall be at liberty, without the permission of the Council, to use on his own premises any night-soil brought from elsewhere; and in the event of his so doing, he shall be liable to a penalty of not less than two pounds nor more than ten pounds.

19. The Council may recover such sums for the emptying of any closet as may be decided upon from time to time by resolution of the Council.

20. On and after the first day of September, in the year of our Lord one thousand eight hundred and ninety, no persons shall be permitted to have in their premises an open closet or cesspit for the deposit of faecal matter; and any person or persons allowing any such closet or cesspit to remain after receiving thirty days' notice to remove the same, shall forfeit a sum not exceeding five pounds nor less than one pound; and after such conviction, if not removed within a further period of

seven days, shall forfeit a further sum not less than five shillings nor more than two pounds for every day that the same shall remain unaltered or unremoved.

21. No person shall be permitted to cover up, or cause to be covered up, any existing cesspit with earth or other material, unless and until the same shall be properly emptied by the Council's contractor or authorized servant. Any person offending against this By-law shall be liable to a penalty of not exceeding five pounds nor less than one pound.

22. No owner, occupier, or lessee of land shall use on premises owned, occupied, or leased by him or her, any night-soil taken from closets on such premises unless he or she shall have obtained permission in writing from the Council to do so, and in the event of he or she doing so without the aforesaid permission, shall forfeit and pay a penalty not exceeding five pounds nor less than one pound.

23. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act, 1875," therein, on all days except Sundays and public holidays, between the hours of ten o'clock in the morning and four in the evening.

Made and passed by the Council of the Municipal District of Mittagong, this 29th day of May, 1890.

W. R. HUDSPETH,
Council Clerk.

(L.S.) JOHN MEALING,
Mayor.

.....

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(PORT MACQUARIE—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 153, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 15th October, 1890.

PORT MACQUARIE MUNICIPALITY.—BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Port Macquarie, under the "Municipalities' Act of 1867" and the "Nuisances Prevention Act, 1875," having been respectively confirmed and approved by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above cited Acts.

HENRY PARKES.

MUNICIPAL DISTRICT OF PORT MACQUARIE.—AMENDED
BY-LAWS.

BY-LAWS made and passed by the Municipal Council of Port Macquarie, for regulating the proceedings of the Council, the duties of their officers and servants, for compelling residents to keep their premises clean, and generally for the proper government of the Municipality in accordance with the requirements of "Municipalities Act of 1867."

1. The Council shall meet for the dispatch of business at the hour of 3 p.m. on every alternate Monday, unless such day shall happen to be a public holiday; in the latter case the meeting shall be held on such other day as the Mayor may appoint.

2. If the Mayor shall be absent at the expiration of twenty minutes after the time appointed for the holding of any meeting, the Aldermen present shall choose a Chairman: Provided always that if the Mayor shall afterwards attend such Alderman shall leave the chair, to be taken by the Mayor.

3. Whenever any meeting shall lapse, or be adjourned for want of a quorum, the names of the members present shall be recorded by the Council Clerk.

4. The business of each ordinary meeting shall be transacted in the following manner, viz. :—

1. Reading and confirming minutes of previous meeting or meetings.
2. Petitions, if any, to be presented and dealt with.
3. Correspondence to be read and dealt with.
4. Reports from Committees and Minutes from the Mayor to be presented, and ordered upon.
5. Questions as to matters under the jurisdiction or within the official cognizance of the Council to be put and replied to.
6. Motions on notice to be dealt with in their respective order.
7. Orders of the day, which shall comprise all business set down for the day, by order of any previous meeting or necessarily arising out of the proceedings of a former meeting. The Council may, by resolution, take any particular matter out of the regular order on the business paper.

Power to suspend By-laws.

5. The Council shall have power to suspend pro tem. one or more of the By-laws: Provided that no such suspension shall be allowed for the purpose of voting money, and that two-thirds of the members present consent.

Postponement of debate on motion.

6. Any debate or order of the day when called on may be postponed to another time to be duly specified: Provided that no discussion be allowed upon such motion for adjournment; and the Alderman upon whose motion any debate shall be adjourned shall be entitled to open the debate on resumption.

Notices of motions, &c., to be numbered as received, and preserved until matter is disposed of.

7. All notices of motion, &c., for consideration at general meetings, shall be delivered to the Council Clerk at least four days before such meeting, in writing, and shall be numbered by him as received, and entered on the business paper according to their number; and each notice shall be preserved by such clerk until after the matter to which it relates shall have been disposed of: Provided, however, that the person giving or forwarding any such notice of motion, &c., shall be at liberty to withdraw the same at any time before the making up of the business paper.

Motions to be in writing and seconded.

8. All resolutions proposed and all amendments shall be submitted in writing, and no motion or amendment shall be discussed unless and until it be seconded.

Motions not to be withdrawn.

9. No motion of which notice has been given shall be withdrawn if any Alderman object; and if any Alderman who has given notice of motion fail or decline to move it, the Mayor or any other Alderman may move the same.

Questions may be put.

10. No question shall be put to the Mayor when in council requiring the production of papers, or which cannot be replied to without reference to books or papers, unless twenty-four hours notice in writing shall have been given thereof to the Council Clerk.

Amendments and order of.

11. Any number of amendments may be proposed on a motion before the Council, and when more than one amendment is moved and seconded, the question shall be put on the last amendment, and then on the next to the last, and so on in the reverse order in which they are moved, except when such motion or amendment shall relate to the fixing of salaries, rates, or other matters of finance, in which case the lowest sum shall be put first, then the next to the lowest, and so on to the highest.

Motions for adjournment.

12. Any motion for adjournment shall be put immediately without discussion. If such motion be negatived, the business then under consideration, or the next in order on the business paper, shall be discussed before any notice for adjournment may be moved.

Divisions.

13. Any Alderman may call for a division; in such case the question shall be put first in the affirmative, and then in the negative; and the Aldermen shall vote by show of hands, and the names and votes of the Aldermen present shall be recorded, and any Aldermen present when a division is called for who shall not vote (not being disabled by law from so doing) shall be liable for every such offence to a penalty of ten shillings.

Motions that would rescind.

14. No motion, the effect of which if carried would be to rescind any resolution passed by the Council during the current Municipal year, shall be entertained, unless at a special meeting of the Council called for that purpose; and no such motion, if negatived by the Council at such special meeting, shall be again entertained during the same Municipal year.

Aldermen not to speak more than ten minutes.

15. No Alderman shall speak twice on any motion or amendment without the written consent of the Council, except when in Committee or in explanation, where he shall have been misrepresented or misunderstood. The mover of every question shall have the right to reply: Provided that no Alderman shall speak upon any motion or amendment for a longer period than ten minutes.

To stand when speaking.

16. Every Alderman shall stand when speaking, unless prevented by bodily infirmity, and shall address the Chair.

Privilege of Mayor or Chairman.

17. The Mayor or Chairman shall have the same privilege as any other Alderman in making or seconding a motion, and have the right of speaking on any subject or amendment introduced. The Mayor or Chairman shall rise when so speaking, but shall be considered as still presiding.

Offensive personal statements.

18. No Alderman shall digress from the subject under discussion, nor make personal reflections on members, nor impute motives, and all personal reflections shall be considered highly disorderly; and any member so offending shall be required by the Mayor or Chairman to withdraw the expression, and to make a satisfactory apology to the Council or Committee thereof.

Committee of the Council.

19. The rules of the Council shall be observed in Committee of the Whole, except the rule as to standing and that limiting the number of times of speaking. It shall be competent for any Alderman to move, that any subject, matter, motion, or order of the day, be considered in Committee; the Council, as may thereupon be decided, may go into Committee or otherwise.

Points of order.

20. No Alderman when discussing any matter shall be interrupted unless by a call to order, when he shall sit down; the Alderman calling him to order shall then be heard, and the question of order decided before the debate or any other business is resumed.

Speaking.

21. Any Alderman who has moved any motion or amendment shall be considered to have spoken thereon, but no Alderman who shall have seconded any such motion, or amendment without any further observation than that he had seconded the same shall be at liberty to speak on such motion or amendment.

Petitions.

22. Any Alderman presenting a petition shall satisfy himself that the wording thereof is respectful and in order. All petitions shall be received only as the petitions of the persons signing the same, and no debate shall take place upon the presentation of a petition until notice shall have been given in the usual manner.

Committees.

23. Besides such special Committees as may from time to time be found necessary, there shall be two Standing Committees, namely, a Finance and an Improvement Committee.

Reports of Committees.

24. All reports upon Standing Committees to be presented in writing, and signed by the Chairman or any two members of such Committee. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction by a minute in writing.

Works and Tenders.

25. Works undertaken by the Council, and estimated to cost over five pounds, to be let by tender. Estimates of the cost of all works determined upon shall be laid before the Council, on the report of the Works Committee, before the contract is entered upon for such works.

Urgent works may be ordered.

26. The Mayor, or in his absence any two Aldermen of the Works Committee, may order any sum not exceeding five pounds, to be expended in repairing any public work under the control of the Council, which may be suddenly damaged, and such order shall be reported at the next meeting of the Council.

Payment how made.

27. No money shall be paid by the Council until the account for the same shall have been examined by the Finance Committee, and approved of by the Council.

Common Seal, &c.

28. All charters, deeds, muniments, and records of the Municipality shall be kept in the office thereof, in the custody of the Council Clerk, unless the contract shall order otherwise. All papers, deeds, contracts, and agreements requiring to be sealed with the Common Seal shall be witnessed by the Mayor and the Council Clerk. For the purpose of authenticating documents the Common Seal may be attached thereto, witnessed by the Mayor and the Council Clerk, for which a fee of five shillings shall be paid.

Rates to be paid.

29. The rates of the Municipality shall be collected half-yearly, and shall be due and payable on such days as the Council shall determine at the time of making the assessment, or on such other days as the Council may direct. All persons liable to pay rates or assessments shall pay the same to the Council Clerk, or such other officer as may be appointed for that purpose, at the Municipal Council Chambers, during office hours, on such days as may be appointed by the Council.

Council Clerk.

30. The Council Clerk shall be required to enter into an approved bond in double the amount of his salary for the faithful performance of his duties.

Bailiff.

31. The Bailiff shall make all levies and distress under warrant signed by the Mayor in the form of schedule marked A hereto annexed, and shall be paid for every such entry and levy made under these By-laws, the fees as per Schedule B annexed herewith. He shall enter into a bond for the due performance of his duties.

Distress and inventory.

32. At the time of making a distress the Bailiff shall make out a written inventory in the form of the schedule hereto annexed and marked C, which inventory shall be delivered to the occupant of the premises, or the owner of the goods so distrained, or to some person for his or her behalf resident at the place where the distress has been made.

Persons obstructing Officers of the Council.

33. Any person or persons who shall obstruct, assault, or resist any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing, or going to perform or returning from the performance of any duty or act under these By-laws, by using any threat, offensive language, hindrance, or insulting language towards the said officer in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

Preventing and extinguishing fires.—Fire or combustible materials, &c.

34. Every person who shall place or knowingly permit to be placed in any house, yard, or workshop, outhouses, or other premises, fire, gunpowder, or combustible or inflammable materials of any kind in such a manner as to endanger any buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than ten pounds, and shall forthwith remove such fire, gunpowder, or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or inflammable materials to remain as aforesaid for a period of twelve hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Discharging fireworks, firearms, &c.

35. Every person who shall light any bonfire, tar-barrel, or fireworks, or shall discharge any firearms, or who shall light any combustible matter upon or within sixty yards of any public or private street or any public place, shall forfeit a sum not exceeding five pounds.

Setting on fire chimney-flues.

36. Every person who shall wilfully set or cause to be set on fire any chimney-flue, smoke-vent, or stove-pipe shall forfeit a sum not exceeding five pounds.

Chimney catching fire by neglect.

37. If any chimney catch fire by the wilful neglect of any person occupying or using any premises in which such chimney is situated, he shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be enforced if such person prove to the satisfaction of the Justices before whom the case is heard that such fire was in no wise owing to the neglect or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

Water carts, licensing of.

38. The Council shall from time to time license to ply within the Municipality, such carts for the carrying and sale of water, and extinguishing fires as shall on inspection be found fit for that purpose. Every such cart or vessel for the holding of water for the purposes aforesaid shall be capable of containing not less than fifty gallons, and shall have the name of the owner, and the words "Licensed Watercart" painted on such cart in legible letters.

Licensing vehicles, carts, &c.

39. All owners of vehicles plying or carrying passengers, goods, or other material for hire, all water, firewood, and coal carters, and all owners of vehicles used for selling milk, or hawking vegetables and fruit in the Borough, shall be licensed by the Council, and the license fee shall be at the rate of five shillings per wheel per annum.

Streets and public places. Health, and decency, &c. New roads to be reported on.

40. No new public road, street, way, reserve, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or reserve shall have been examined by the Committee for Works, and reported upon to the Council by such Committee.

Plans of proposed new road to be delivered to the Council.

41. When any proprietor or proprietors of land within the said Municipality shall open any road, street, or way, or lay out any park or other place for public use or recreation, through or upon such land, and shall be desirous that the Council shall undertake the care and management of such road, street, way, reserve, or other place, he or they shall furnish the Council with a plan or plans signed by himself or themselves, showing clearly the position and extent of such roads, street, way, reserve, or other place as aforesaid.

Dedication of new roads, &c.

42. If the Council determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council; and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, reserve, or other place to public use or recreation as aforesaid as may be considered necessary by the Committee for Works; and such instrument of dedication shall also be preserved as a record of the Council.

Committee for Works to fix street levels.

43. The Committee for Works or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public streets, roads, and ways within the Municipality, and the carriage and foot ways thereof. And it shall be the duty of such Committee, officer, or person to place posts at the corners of intersections of any such public roads and streets, wherever the same may be considered necessary or desirable by the Council: Provided that there shall be no change of level in any such public road, street, or way, until the same shall have been submitted to and adopted by the Council as hereinafter directed. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed cutting to be exhibited at the Council Chambers for seven days for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection; and no objections thereto shall be by the Council, unless made within twenty-one days after such notice shall have been given at a subsequent meeting of the Council. The said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption, and countersigned by the Town Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

No turf, gravel, &c., to be removed from streets without permission.

43½. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed any turf, clay, sand, soil, gravel, stone or other material, or any road scrapings or sweepings in or from any part of the carriage or foot ways of any street or any other public place within the said Municipality

without leave first had and obtained for that purpose from the Council, or who shall wantonly break-up or otherwise damage any such carriage or foot way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound. And any person who shall have or make any cellar or any opening, door, or window, in or beneath the surface of the footway or any street or public place within the said Municipality, without the consent of the Council, shall on conviction forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window.

Holes to be enclosed.

44. Any person or persons who shall dig or make or cause to be dug or made, any hole, or leave or cause to be left, any hole adjoining or near to any street or public place within the said Municipality for the purpose of making any vault or vaults, or the foundation or foundations to any house or building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner to the satisfaction of the Committee for Works of the said Municipality, or shall keep up or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be absolutely necessary in the opinion of said Committee, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise, during the continued existence of such enclosure, shall forfeit and pay for every such refusal or neglect any sum not being less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining footways to be enclosed under a penalty.

45. Every owner or occupier of any house, building, or premises, or land within the said Municipality having any entrance, area, garden, or other open space, or any vacant building lot, water-hole, or excavated space adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, to be previously approved of by the Works Committee or any officer whose special duty it shall be to attend to such works, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place, shall in like manner protect and guard the same by fences, rails, or other enclosure, so as to prevent the like danger to persons passing and repassing; and on failure thereof, every such owner or occupier shall, as often as he or she shall be convicted of such offence, forfeit and pay a sum not less than forty shillings nor more than five pounds; and every such owner or occupier as aforesaid who shall fail to erect such fences or other enclosures as aforesaid, after fourteen days' notice from the Council or any duly qualified officer, shall be deemed guilty of a further offence against this By-law.

Penalty for not covering over wells.

46. Every person who shall have a well or excavation situated between his or her dwelling-house, or the appurtenances thereof, and every road, street, or footway within the limits of the said Municipality, shall cause such well to be securely and permanently covered over; and if any person having any such well as aforesaid shall fail to cover up and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for any such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay a sum of ten shillings, and for every day after such notice that such well shall remain so uncovered contrary to the provisions hereinbefore made and provided, such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage to traffic for repairs.

47. The Committee for Works, or any officer or person acting under the authority of such Committee of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of any sum not exceeding five pounds for every such offence.

Drawing or trailing timber.

48. Any person who shall haul or draw timber, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality, any timber, stone, or other thing otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street or public place to the injury thereof, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Driving on footpaths, and throwing filth thereon.

49. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or footway of any street or public place within the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any such street or public place, as that any blood or filth shall run or flow upon or over, or be on any or either of any such carriage or foot way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to run, rolled, driven, drawn or placed upon any of the said footways of any such street or public place, any waggon, cart, dray, sledge, or other carriage, or any wheelbarrow, handbarrow, or truck, or any hoghead, cask, or barrel, or shall wilfully lead, drive, or ride any horse, ass, mule, or other beast upon any such footway, shall upon conviction thereof forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound for every such offence.

Lights to be placed on vehicles.

50. Every person driving any vehicle within the Borough between sunset and sunrise shall carry two lights, one on each side of the outside of such vehicle in a conspicuous place; and every person riding on a bicycle or tricycle as aforesaid shall carry a conspicuous light attached thereto. Any one offending against this By-law shall be liable to a penalty not exceeding one pound nor less than two shillings and sixpence.

Destroying kerbing, gutters, pathways, &c.

51. No driver, carter, or other person shall wilfully or negligently do, or suffer, or cause to be done any damage or injury to the kerbing, gutters, or pathways of any street, or roadway; and no person shall be at liberty to drive a wheeled vehicle of any kind, or ride, or drive, lead any horse or horses, or any animals on the pathways within the Municipal District; and every person so offending shall for such offence forfeit and pay a fine or sum not exceeding one pound nor less than five shillings in excess of any damages done.

Licensing timber carriages

52. No timber carriage or vehicle used for that purpose, or dray attached as a substitute for the conveyance of timber or other material will be allowed to ply or work within or through the Municipal District, unless the same be licensed. This clause only to apply to timber carriage and other vehicles attached as aforesaid working for hire or drawing timber to saw-mills, railway station, or for shipment. The owners of any such timber carriage as aforesaid shall have their names painted in legible letters, with the word "licensed," and the number of the license on some conspicuous part of such timber carriage respectively. The license fee shall be at the rate of ten shillings per wheel per annum, and all such licenses shall be issued for a period of three months, terminable on the last day of each quarter in each year. And every owner or driver who shall omit or fail to comply with the provisions of this By-law shall forfeit a sum not exceeding five pounds nor less than two pounds.

53. No timber carriage or truck will be allowed to ply or work at such time as the Council shall think the roads unfit for traffic, and the Council Clerk shall give notice to owners of such timber carriages to the effect that they must cease work for a specified time, not longer than seven days; and every owner who shall fail to comply with this By-law shall be liable to a fine not exceeding five pounds nor less than ten shillings for each offence.

Placing goods, carriages, &c., on the footways—not removing the same when required—replacing same after removal—awnings to be excepted.

54. Any person who shall set or place, or cause or permit to be set, or placed, any stall, board, chopping-block, show-board, (on hinge or otherwise), basket wares, merchandise, casks, or goods of any kind whatsoever, or shall hoop, place, wash or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage or foot way in any street or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set out, laid or placed, any coach, cart, waggon, dray, wheelbarrow, handbarrow, sledge, truck, or other carriage, upon any such carriage-way, except for the necessary time of loading and unloading such cart, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, waggon, dray, sledge, truck, or other carriage; or if any person who shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot way, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed), or any other matter or things whatsoever; or shall hang out

or expose, or shall cause or permit to be hung out or exposed, any meat, or offal, or other thing or matter whatsoever, from any house, or other buildings or premises, or any other matter or thing, from and on the outside of the front or any other part of any house, or other buildings or premises, over or next unto any such street, or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or other proper officer of the Council, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty nor less than five shillings; for the second offence a sum not exceeding five pounds nor less than ten shillings; and for the third and every subsequent offence, a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house, in such a manner as that such awning shall be at least seven feet high above the height of the footway, and that the posts be placed close to the kerbing or outer edge of such footway, and a plan of such awning submitted to the Council prior to its erection, and approval of by said Council, or any officer duly appointed for the purpose.

Riding on drays, careless driving, &c

55. If the driver of any waggon, cart, or dray of any kind, shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such cats as are drawn by one horse, or driver, or guider, with reins only excepted); or if the driver of any carriage whatsoever shall wilfully be at such distance from such carriage or in such a situation whilst it shall be passing upon such street, that he cannot have the direction and government of the horse, or horses, or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach or other carriage whatsoever, meeting any other carriage, shall not keep his waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care upon such street, or by negligence or misbehaviour, prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every driver or person so offending shall upon conviction, forfeit and pay any sum not exceeding forty shillings.

Nuisance.

Dead animals, &c., not to be thrown in any public water-course.

56. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning, into any public water-course, sewer, water-hole, road, or pathway, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises into any such water-course or water-hole, or who shall permit or suffer any such slops, suds, or filth to flow from his or her premises over any of the footways or streets of the Municipality, or shall permit or cause by means of pipes, shoot-, channels, or other contrivances, filth of any kind whatsoever to flow into any public water-course or water-hole, or shall obstruct or divert from its channel any sewer or water-course, shall forfeit any sum not exceeding five pounds nor less than ten shillings.

Dead animals—Mode of removal.

57. If any animal shall die in any part of the said Municipality, and the owner of such animal, or the occupier of the place, if private property, where such animal shall have died, shall not cause such animal to be immediately removed and destroyed by fire, or so effectually disposed of that no nuisance can possibly result therefrom in any part of the Municipality, he shall for every such offence forfeit and pay any sum not exceeding twenty pounds nor less than one pound.

Power of Inspector as to dead animals on private premises.

58. The Inspector of Nuisances, or any officer appointed by the Council of the said Municipality, with his assistant, may at any hour enter upon any premises or place within the said Municipality where any animal has died, and require the owner or occupier of such premises or place immediately to destroy such animal by fire, and, if necessary, to remove the same for that purpose, as such Inspector of Nuisances or other officer appointed by the said Council shall direct, or otherwise forthwith effectually to remove and dispose of the same as aforesaid; in default of which it shall be lawful for any one or more of such officers to cause such animal to be removed for that purpose; and every owner or occupier of such premises or place failing, neglecting, or refusing to comply with such requisition shall forfeit and pay any sum not exceeding twenty pounds nor less than one pound.

Dead animals in certain cases to be removed at cost of Municipality.

59. If any animal shall die in any public place or street within the said Municipality, and the owner or any person having charge of such animal cannot at the time be found or ascertained, it shall immediately be removed by the Inspector of Nuisances or other officer appointed by the said Council, and destroyed in manner aforesaid at the cost of the Municipality.

Drains.

60. All drains whatsoever, and the water-closets, earth-closets, privies, cesspools, and ash-pits within the Municipality of Port Macquarie, shall be constructed so as not to be a nuisance or injurious to health, and so that there shall be no overflow, soakage, leakage therefrom.

Cleansing privies and cesspits.

61. The occupier of any house, building, or tenement within the Municipality of Port Macquarie, shall cause every privy, cesspool, thereon to be emptied and cleaned from time to time as soon as any portion of the contents of such cesspool shall have so accumulated therein as to be within a distance of 1 foot from the top of the wall sides or lining of such cesspools: Provided that the contents of any privy shall not be removed or discharged therefrom, except between the hours of 11 p.m. and 5 a.m., and provided also that the contents of any privy or cesspool shall not be removed or discharged therefrom until such contents shall have had mixed therewith a quantity of chloride of lime, zinc, carbolic acid, or some other efficient deodoriser sufficient to effectually deodorise and disinfect the same.

Objectionable closets to be altered.

62. If any alteration shall be required in the opinion of the Inspector of Nuisances or any officer of the Council appointed in that behalf, for preserving public health or decency in the case of any existing cesspit or closet, the Inspector of Nuisances or other officer of the Council shall report the same to the Council, and if the Council shall adjudge such cesspit or closet to be injurious to health or opposed to decency the same shall be altered by the occupier or owner of the premises upon which such cesspit or closet exists after due notice has been served upon such occupier or owner; and should such occupier or owner neglect or refuse to alter the same, the Inspector of Nuisances or other officer appointed by the Council shall forthwith make the necessary alterations, and the costs of the same shall be paid by the owner or occupier of the premises wherein the same shall be.

Earth-closets.

63. Where it is considered by the Council, on report from the Inspector of Nuisances, that any water-closet or cesspit within the Municipal District is offensive or injurious to public health, such water-closet or cesspit shall be converted into an earth-closet, according to plans to be provided by the Council: Provided that no person shall be permitted to cover up, or cause to be covered up, any existing closet or cesspit with earth or other material unless and until the same shall be properly emptied. Any owner or occupier upon whose premises such water-closets or cesspit exists who shall fail after fourteen days, shall upon conviction be liable to a fine not exceeding five pounds nor less than one pound.

The disposition of night-soil.

64. The place of deposit of night-soil shall be in such locality as may from time to time be determined by the Council, with the approval of the Governor, and, until otherwise provided by the Council, shall be disposed of as authorised by the Inspector of Nuisances.

Prohibition of use of night-soil.

65. No person shall be at liberty without the permission of the Council, or of the Inspector of Nuisances or other officer of the Council appointed in that behalf, to use on his own premises any night-soil. And any person committing a breach of this By-law shall be liable to a penalty of not less than two pounds nor more than ten pounds.

Cost of emptying cesspits, &c.

66. The Council may, after due application, recover such sums for emptying of cesspits or attendance on earth-closets at such rates as may from time to time be decided upon and fixed by the Council to be charged in respect of such services.

Inspector of Nuisances' report.

67. It shall be the duty of the Inspector of Nuisances to furnish the Council with a report every month, containing a list of persons proceeded against for nuisances within this Municipality, specifying the dates, and giving particulars of each case.

Cleansing butchers' shambles, &c.

68. For preserving the cleanliness of the said Municipality and the health of the inhabitants hereof, it shall be lawful for the Inspector of Nuisances, or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shambles, slaughter-houses, boiling-down establishments, tanneries, fellmongering establishments, and soapworks, in the said Municipality, and to give such directions concerning the cleansing the said shambles, slaughter-houses, tanneries, soapworks, and establishments, both within and without, as to him shall seem needful; and any butcher, or the

owner, or occupier, of any such shamble, slaughter-house, tannery, soapworks, or establishments, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Complaints respecting dirty premises.

69. Upon the complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances, or any officer appointed by the said Council, shall make an inspection of the premises complained of, and the officer of the said Council shall have the full power without any other authority than this By-law to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool, to overflow or soak therefrom shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Premises in such state to endanger public health. House to be purified on certificate of one medical practitioner.

70. If upon the certificate of any one duly qualified medical practitioner it appear to the Council that any house or part thereof, or the premises occupied in connexion therewith, within the limits of the said Municipality, is in such a filthy state or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and that the whitewashing, cleansing, or purifying of any house or part thereof, or the premises occupied in connection therewith would tend to prevent or check infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof or the premises occupied in connection therewith to whitewash, cleanse, or purify the same as the case may require; and if the person to whom the notice is so given shall fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Driving and riding round street corner.

71. Any person who shall ride on horseback, or on any bicycle or tricycle, or drive in a vehicle round the corner of any street within the Borough, at a pace faster than a walk, shall on conviction forfeit and pay any sum not more than one pound nor less than two shillings and six pence.

Various obstructions and annoyances.

72. Every person who, in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds:—

- (1.) Every person who shall hoist or cause to be hoisted or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place and close to the footway thereof, without sufficient and proper ropes and tacking.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed in any street or public place, the carcase or any part of the carcase of any newly slaughtered animal without a sufficient and proper cloth covering the same for the concealment from public view, or shall hawk or convey about butcher's meat for sale without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any tree or shrub overhanging the footpath to the danger or annoyance of any person.
- (4.) Every person who shall place any flowerpot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.
- (5.) Every person who shall throw or cast from the roof or any part of any house or other building any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a board enclosure) when any house or building is being erected, pulled down or repaired.
- (6.) Every person who shall within a distance of 20 yards from any dwelling-house, burn any rags, bones, cork, or other offensive substance to the annoyance of any inhabitant.

(7.) Every person who shall be the keeper of, or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right of way or use of any private yard, alley, street, or any other place within the said Municipality.

Persons not to stand or loiter, &c. on streets.

73. All persons standing, lying, sitting, kneeling down, or loitering upon any of the footways, carriage-ways, or other public places in the Borough to the inconvenience of the passers by, or in any way either singly or collectively interrupting the traffic, who shall not discontinue to do so on being required by any officer of the Council of the Borough, or by any Police Constable, shall be liable to a penalty not exceeding two pounds nor less than five shillings.

Swine not to wander about streets.

74. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate, and being in or within 60 feet of any street in the Municipality, or shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of a like nature belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any street, road, or public place within the said Municipality, between sunset and sunrise, shall forfeit and pay for every such offence a sum not exceeding forty shillings, and to be made liable for damages.

Bathing prohibited within certain limits.

75. Any person who shall bathe without sufficient covering to prevent indecency near to or within view of any inhabited house, or of any public wharf, quay, bridge, street, road, or other place of public resort within the limits of the said Municipality, between the hours of six o'clock in the morning and eight in the evening, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Penalty on indecent exposure of the person.

76. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality, or in view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than one pound.

Exhibitions, &c., to be licensed.

77. No exhibitions other than exhibitions licensed by the Colonial Secretary under the provisions of Act 14, Victoria No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the said Municipality, nor shall any bowling-alley, dancing-saloon, or other place of public amusement, other than a place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, to be used as such for hire or profit within the said Municipality, unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor—Penalty for exhibiting, &c., without license.

78. It shall be lawful for the Mayor, by writing under his hand, and without charge, to permit any such exhibition as aforesaid (other than an exhibition requiring to be licensed by the Colonial Secretary under the said Act), and which shall not be held or kept for more than one week, and in like manner to allow any place within the said Municipality to be used for purposes of public amusement, other than entertainments requiring to be licensed as aforesaid, for not more than one week: Provided that it shall be incumbent upon such Mayor to inquire strictly as to the nature of such proposed exhibition or amusement before granting such permission, and to refuse such permission if it shall appear that such proposed exhibition or amusement is of such a nature as to require to be licensed by the Colonial Secretary as aforesaid, or if there shall be reasonable cause for believing that such exhibition or amusement will be likely to entail any violation of public decency, to endanger the public peace, or to be a nuisance to any inhabitant of the Municipality. Every person holding or keeping any such exhibition, or using any place within the said Municipality for public amusement as aforesaid, or causing or permitting any place to be so used without such permission of such Mayor shall forfeit and pay a sum not less than five shillings or more than forty shillings for every day that such exhibition shall be so held or kept or such place shall be so used for public amusement as aforesaid.

Registration Fee.—Time for which registration shall be in force.

79. For every such registration as aforesaid, the occupier of the building or land so registered shall pay to the Council Clerk, for the benefit of the said Municipality, a fee of one pound; and every such registration, whenever the same may be made, shall be in force until the thirty-first day of December then next ensuing and no longer.

No exhibition, &c. on Sundays, &c.

80. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purposes of such public amusement on Sundays, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Unlawful games and exhibitions.

81. No license shall be granted as aforesaid to or for any building or land wherein or whereon any games with dice or other games of chance for money, or any bullbaiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality or involving cruelty to animals, or likely to cause any breach of the peace are proposed to be had or carried on; and the occupier of any building or land so registered as aforesaid, who shall permit any such game of chance or exhibition or amusement as are in the section before-mentioned to be had, held, or carried on, in, or upon such building, shall for every such offence forfeit and pay a sum of not less than ten shillings nor more than ten pounds.

Wilful trespass.

82. Every person who shall wilfully let in or knowingly suffer to enter upon the reserves or public recreation ground any animals without due authority shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary marks.

83. Any person pulling down, defacing, or injuring any marks or any fence or other erection without the authority of the Council shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Public and private property.—Erection of houses, &c.

84. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place in the Municipality, without first serving notice in writing on the Mayor or Council Clerk, on any lawful day between the hours of eight o'clock a.m. and eight o'clock p.m., stating such intention, and describing the proposed situation of the building or erection, and without having received an authority from the Mayor or Council Clerk. No person shall be at liberty to encroach beyond the building line in any street or lane by the erection of houses, verandahs, door steps, fences, or any other obstruction whatever.

Houses must have spouting and down pipe.

85. All proprietors of houses within the Municipality having a frontage to any street, shall be bound to have the same sufficiently spouted with down-pipe to be carried underneath the surface of the footpath into the gutter, unless water dripping from the roof be otherwise prevented from flowing on footpath, under penalty of ten shillings on conviction; and if not remedied at expiration of seven days after such conviction the offender shall be again liable to a like conviction and penalty also for every succeeding seven days.

Using bark for building in main thoroughfare.

86. No person shall erect any building of bark, nor roofed with that material, or with calico, within the populous part of the town except by express permission of the Council, and then for a temporary purpose only. Any person so offending shall on conviction be liable to a penalty not exceeding ten pounds, to be recovered in a summary way, and shall be bound to remove the aforesaid building within such period as the Council may determine.

Injuring or extinguishing lamps.

87. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings.

88. Any person who shall damage any public building, wall, parapet, fence, sluice, bridge, culvert, sewer, water-course, tree-guard, or other public property within the said Municipality, shall pay the costs of repairing the same, and if such be wilfully done, shall forfeit and pay a sum not exceeding five pounds nor not less than one pound.

Affixing placards on walls, &c.

89. If any person or persons shall paste, or cause to be pasted, or otherwise affix any placard, or other paper, or chalk or paint upon any wall, fence, culvert, kerbing pathway, handrail, or any other property of the Council, shall forfeit and pay for every such separate offence, a sum not exceeding five pounds nor less than one pound.

Damaging trees.

90. Any person who shall wilfully and without the authority of the Council cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood growing in or upon any street or place under the management of the Council, shall forfeit any sum not exceeding ten pounds nor less than one pound.

Obstructing public pathways.

91. That the owner or occupier of any land situate on the side of any street or road in this Municipality, who shall permit any tree, shrub, or plant kept for ornaments or otherwise to overhang any path or footway on the side of any such street or road so as obstruct the passage thereof, and who, on demand made by the Council, or their overseer or inspector, shall not cut, or caused to be cut, lopped, or to be lopped, all such trees, shrubs, or plants, to the height of eight feet at least, the said council and their servants, labourers, and workmen may cut, or cause to be cut, or lopped, all such overhanging trees, plants, and shrubs, and to remove or burn any portion of such trees, plants, or shrubs, so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist or in any manner forcibly oppose the said Council or their servants, labourers, or workmen, in the due execution of the powers given in this behalf by virtue of the "Municipalities Act of 1867," every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds.

Neglecting to keep clean private avenues.

92. Any owner or occupier of any house or place within the said Municipality, who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises so as by such neglect to cause a nuisance by offensive smell or otherwise, shall on conviction forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Legal proceedings against offenders.

93. The Inspector of Nuisances, any police constable, or other person appointed by the Council, may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Maximum and minimum penalties where not otherwise provided for.

94. In any case where no special penalty is fixed in these By-laws, for any breach of the same, the maximum penalty for any such breach shall be twenty pounds, and the minimum one pound.

SCHEDULE A.

I, _____, Mayor of the Municipality of Port Macquarie, do hereby authorise you, _____, the Bailiff of the said Municipality, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____ street, for _____, being the amount of rates due to the said Municipality, _____ day of _____ for the said premises, and to proceed thereon for the recovery of the said rates, according to law.

Dated this _____ day of _____, 189 .

Mayor.

SCHEDULE B.

	s.	d.
1. For making entry in or upon the premises, in executing a warrant with or without an inventory	2	6
2. If more than one hour in possession	2	6
3. For every day or part of a day in possession	2	6
4. Five per cent on net proceeds of any sale.		

SCHEDULE C.

I have this day in virtue of the warrant, under the hand of the Mayor of the Municipality of Port Macquarie, dated _____, distrained the following goods, and chattels, in the dwelling-house (or in and upon the land and premises) of _____ situated at _____, within the said Municipality, for _____, being the amount of rates due to said Municipality, to the _____ day of _____, 189 .

Bailiff.

The foregoing By-laws were made and passed at a meeting of the Municipal Council of Port Macquarie, held this 12th day of May, 1890.

(L.S.) **FREDERICK HAYWARD,**

Mayor.

GEORGE W. EDWARDS,
Council Clerk.

1890.

NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1867, AND NUISANCES
PREVENTION ACT, 1875.

(MUNICIPAL DISTRICT OF KATOOMBA—BY-LAWS.)

Presented to Parliament, pursuant to Acts 31 Vic. No. 12, sec. 158, and 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 10th December, 1890.

KATOOMBA MUNICIPALITY.—BY-LAWS.

The following By-laws, made by the Council of the Municipal District of Katoomba, under the "Municipalities Act of 1867," and the "Nuisances Prevention Act, 1875," having been respectively confirmed and approved by His Excellency the Lieutenant-Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Acts.

HENRY PARKES.

MUNICIPALITY OF KATOOMBA.—BY-LAWS.

Ordinary Meetings of Council.

1. The Council shall meet for the dispatch of business at the hour of half-past seven p.m. on every alternate Monday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent, at the expiration of fifteen minutes, after the time appointed for holding such meeting, the Aldermen then present shall proceed to elect from among themselves a chairman for such meeting.

Adjournment for want of a quorum.

2A. Whenever there shall be an adjournment of any such meeting, for the want of a quorum, the names of the members present shall be taken down and recorded in the Minute-book.

Order of Business.

3. Motions and adjourned motions, of which notice has been given, shall be dealt with in the order in which they stand on the business paper.

Minutes.

4. The minutes of the last preceding meeting shall be read, corrected if erroneous, and verified by the signature of the Mayor or other Chairman. No discussion to be permitted on such minutes except as to whether they are correct.

Reports.

5. Reports from committees and officers, and minutes from the Mayor (if any) to be presented and ordered upon.

Accounts.

6. Statement of accounts showing moneys received and paid since last meeting, with the balance in the bank to the credit of the Municipality shall be laid before the meeting.

Lapsed business.

7. Whenever the consideration of any motion or matter of business shall have been interrupted by reason of a quorum not having been present, the consideration of such motion or matter of business in such case, shall, subject to By-law 4, be resumed at the point where it was so interrupted as aforesaid, at the next regular meeting of the Council.

Business paper.

8. The business paper for every meeting of the Council other than a special meeting shall be made up by the Council Clerk or substitute not less than two nor more than three days before the day appointed for such meeting. He shall enter on each business paper a copy or the substance of every notice of motion and of every requisition or order, as to business, proposed to be transacted at such meeting, which he shall have received, or shall have been required or directed so to enter in due course of law, and as hereinafter provided every such entry shall be made subject to the provisions of By-law 3 in the same order as such notice, requisition, or directions shall have been received.

Business paper for Special Meetings.

9. The business paper for each special meeting shall contain only such matters as shall have specially been ordered to be entered thereon by the Mayor or Aldermen calling such meeting.

Summons to Members.

10. The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting and shall embody the substance of such business paper.

11. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be a record of the Council.

Notices of motion to be numbered and preserved.

12. All notices of motion for consideration at the meetings of the Council shall be delivered to the Council Clerk at least four days before such meeting in writing, and shall be numbered by him as they are received and entered on the business paper according to their number; and each notice shall be preserved by such Clerk until after the matter to which it relates shall have been disposed of.

After Business Paper made up all notices to be property of the Council.

13. After the business paper shall have been made up as aforesaid, all the said notices of motion, requisitions, and directions, as to which entries have been made thereon shall be the property of the Council, and shall not be withdrawn, altered, or amended, without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions, how to be moved.

14. Except by leave of the Council motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed shall be struck from such business paper and be considered to have lapsed. Or if negated a similar motion shall not be brought on again for one month.

Absence of the proposed mover.

15. No motion of which notice shall have been entered on the business paper shall, except as hereinafter provided, be proceeded with in the absence of the Alderman by whom such notice shall have been given unless by some other alderman producing a written authority for that purpose from such first named Alderman.

Motion to be seconded.

16. No motion in Council shall be discussed unless and until it be seconded. But the mover shall have the right to speak in favour of his motion when moving it.

Amendment may be moved.

17. When a motion in Council shall have been made and seconded any Alderman shall be at liberty to move an amendment thereon; no such amendment shall be discussed except by the Alderman moving such amendment unless and until it be seconded.

Motions and amendments to be in writing.

18. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

19. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amendment carried.

20. If an amendment be carried the question as amended thereby shall become itself the question before Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

21. If an amendment either upon an original motion or upon any question amended as aforesaid shall be negated, then a further amendment may be moved to the question to which such first mentioned amendment was used, and so on, provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

22. No discussion shall be permitted on any motion for adjournment of the Council, and if, upon the question being put on any such motion, the same be negated, the subject then under consideration, or the next in order on the business paper, or any other on such paper that may be allowed precedence, shall be discussed, before any subsequent motion for adjournment shall be receivable.

Requisitions from Aldermen—how to be dealt with.

23. Every requisition by an Alderman that any particular matter of business be brought before the Council shall be regarded and treated as a notice of motion by such Alderman that such business be taken into consideration by the Council, and he shall be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit, in reference thereto, which shall be consistent with the notice of such business and with good order; and if such Alderman be absent, or if being present and so called upon he shall make no such motion, then it shall be open to any other Alderman to make such motion. And when any such motion shall have been made, it shall be dealt with in precisely the same manner as if notice thereof had been given; subject however, to any objection which may exist as to its not being in accordance with the notice actually given of such business, or with good order. And if no motion shall be made in reference to such business, the entry relating thereto shall be struck from the business paper.

Orders of the day.

Of what Orders of the Day shall consist.

24. The orders of the day shall consist of any matters other than motions on notice, which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or any Committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

25. By-law 23 shall be considered applicable to orders of the day; and the Alderman who has the usual charge of, or who has previously moved in reference to, the particular business to which any such order of the day relates shall be the person called upon to move: Provided that as to any order of the day, entered as aforesaid, by direction of the Mayor, such Mayor may arrange with any Aldermen to move, and may in such case call upon the Alderman with whom he has so arranged.

Petitions.

Petitions to be respectfully worded.

26. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council. The nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same; and all petitions shall be received only as the petitions of the parties signing the same.

How Petitions are to be dealt with.

27. No motion shall, unless as hereinafter provided, be permissible on the presentation of a petition except that the same be received; or that it be received and referred to one of the Permanent Committees hereinafter mentioned; or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to any petition, and such petition shall have been presented before such Alderman shall have been called upon to move such motion; the said motion shall if otherwise unobjectionable be considered in order.

Correspondence.

Duties of Mayor as to Correspondence.

28. The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, as by By-law 26 is imposed upon Aldermen presenting petitions. The Mayor shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council shall be presented or read by any Alderman. If the Mayor be absent and shall not have examined any such letters addressed to the Council, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

29. By-law 27 shall be considered as fully applicable to letters addressed to the Council as to petitions.

Letters sent not to be discussed, but every letter may be subject to motion.

30. No discussion shall be permitted in reference to any letters which have been written and sent by the Mayor, or by any officer of Council, and copies of which may be read to such Council: Provided, however, that any notice of motion, consistent with good order, may be entertained with reference to any such letters, whether read or not, or with reference to any letters addressed to the Council, which the Mayor or presiding Alderman may not have ordered to be read as aforesaid.

Reports from Committees.

Form of report.

31. All reports from Committees shall be in writing and signed by the Chairman of such Committee.

Mayor's Minutes.

32. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance by a minute in writing signed by himself.

How reports or minutes are to be dealt with.

33. No motion shall be permissible on the presentation of a report from the Committee or a minute from the Mayor, except that the same be received, or that it be received and that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice in reference to any such report or minute, and if any order for the consideration of such report or minute shall have been entered among the orders of the day, such motion or order may be moved or considered in due course.

Questions and Statements.

Limitations as to questions and statements.

34. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of By-law 33.

Notice to be given.

35. Sufficient notice of every question shall be given to the person who is expected to reply thereto, to allow for the consideration of such reply, and, if necessary, for a reference to other persons or documents.

Question to be put without argument, &c.

36. Every such question must be put categorically without any argument or statement of fact.

Similar provision as to statements.

37. Every statement in reply to any such question must be made without argument.

No discussion on question, &c.—Right of objection and of subsequent motion reserved.

38. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice, as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply, or refusal to reply, or any such statement as aforesaid.

Order of Debate.

Mode of addressing the Council.

39. Every Alderman who shall propose or second any motion, or shall propose or second any amendment, or shall take any part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall while so doing stand up in his customary place (unless he shall be prevented from so doing by reason of some bodily infirmity), and shall address himself to the Mayor or Chairman. And all members of the Council shall on all occasions when in such Council address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted if in order.

40. No Alderman shall be interrupted while thus speaking unless for the purpose of calling him to order as hereinafter provided.

Limitation to number of speeches.

41. Except in Committee, no member shall speak more than once on the same question (unless in explanation, with the consent of the Mayor or Chairman): Provided, however, that the mover of any question shall be allowed the liberty of reply, and that every member shall be at liberty to speak once on any amendment as well as on the original motion; but the right of reply shall not extend to the mover of an amendment.

Speeches by mover and seconder.

42. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same shall be at liberty to speak on such motion or amendment as the case may be.

Speaker not to digress.

43. No Alderman shall digress from the subject under discussion, or shall make any personal reflections on, or impute improper motives, to any other Alderman.

Speaker to withdraw offensive expressions.

44. When any Alderman uses any expression which the Mayor or Chairman thinks capable of being applied offensively to any other Alderman, the Alderman so offending shall be required by the Mayor or Chairman to withdraw the expression if required, and shall make a satisfactory apology to the Council.

Adjournment of debate.

45. A debate may be adjourned to a later hour of the day or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to preaudience on the resumption of the same.

Mayor to decide as to preaudience.

46. If two or more Aldermen rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Alderman may require question to be stated under certain restrictions.

47. Any Alderman may request the subject matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such matter: Provided, however, that no such request shall be so made as to interrupt any other Alderman when speaking or materially to interrupt the discussion: Provided, also, that if any such request shall appear to the Mayor or Chairman not to have been made bona fide it shall not be complied with.

Mayor may discuss motion.

48. The Mayor or presiding Alderman may take part in discussions and proceedings of the Council.

Questions of Order.

Mayor or Chairman to decide points of order.

49. The Mayor or Chairman shall preserve order, and his decision on disputed points of order or practice shall be final in that particular case; and the Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order, whenever, in the opinion of such Mayor or Chairman, there shall be a necessity for so doing; and every member of the Council shall have the right of calling the attention of the Mayor or Chairman to any motion, amendment, statement, argument or observation moved, used, or made by any other member, which such first-named member may consider out of order; and the Mayor or Chairman, when called upon to decide points of order or practice, shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting upon the same.

Penalties for persisting in disorderly conduct

50. Any member of the Council (either in Council or Committee) who shall have been called to order, and who, after having been twice directed to withdraw any disorderly observations as aforesaid shall refuse to do so, or who shall persist in any line of conduct or argument, or of observations, which shall have been decided as aforesaid to be disorderly, or who shall refuse to make such explanation, retraction, or apology as aforesaid when required so to do, or who shall be guilty of any other act of disorder as defined in By-law 49, and shall refuse to make such explanation, retraction, or apology, as a majority of the Aldermen then present shall consider satisfactory, shall be liable on conviction for the first offence to a penalty of not less than ten shillings nor more than five pounds; and on a second conviction for the like offence he shall be liable to a penalty of not less than one pound nor more than ten pounds; and on a third conviction, and for every further conviction for the like offence, he shall be liable to a penalty of not less than two pounds nor more than twenty pounds.

Power of Council as to altering rules on points of order.

51. Any Alderman who is dissatisfied with the decision of the Mayor or Chairman on any question of order or of practice, may, by motion respectfully worded, invite the Council to lay down a different rule or principle for the determination of any similar questions of order, or of practice which may thereafter arise. Any rule or principle thus laid down shall be binding upon all parties, unless and until it be rescinded.

Mode of voting.

How questions are to be put.

52. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of the Council thereon; and he shall be at liberty to put any such question as often as may be necessary to enable him to form and declare his opinion as to the decision of the majority of the members present.

Divisions—Penalty for refusing to vote.

53. Any Alderman shall be at liberty to call for a division; in such case the question shall be put first in the affirmative and then in the negative, and the Aldermen shall vote by a show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman who shall be present when a division is called for and shall not vote on such division, not being disabled by law from so voting, shall be liable to a penalty not exceeding five pounds nor less than ten shillings.

Protests.

Mode of protesting—Protest to be recorded, but may under certain circumstances be expunged.

54. Every member of the Council (the Mayor included) may protest against any resolution or vote by the Council. Notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, or such vote is arrived at, and the protest itself must be handed or sent to the Council Clerk not later than seven days after such notice. The Council Clerk shall enter every such protest in the minute book, but if, in the opinion of the Council, it be inconsistent with the truth, or disrespectfully worded, it may (by resolution on notice) be ordered to be expunged. In such case the expunction shall be made by drawing a perpendicular line with the pen through the entry of such protest, with a reference in the margin, to the resolution ordering such expunction.

Committee of the Whole Council.

Business in Committee.

55. The Business Committees of the whole Council shall be conducted in accordance with the rules hereinbefore provided for meetings of the Council as nearly as the same shall apply, except that it shall not be necessary that any motion or amendment in Committee shall be seconded.

Disorderly conduct in Committee—Refusal to vote.

56. Whenever any member of the Council shall, while the Council is in Committee of the Whole, be considered guilty of an offence against good order within the meaning of By-law 50, it shall be competent to any Alderman to move that the Council resume its sitting, and that such matter be reported; and if such motion be carried, such matter shall be reported accordingly, and an entry of such report shall be made in the minute book, and whenever any Alderman shall have failed to vote on any occasion in Committee of the whole Council, as required by By-law 53, the facts shall be reported to the Council, and such report on such facts shall be duly recorded in the minute book: Provided that in the case of an Alderman failing to vote as aforesaid, no special motion that the Council resume its sitting shall be necessary, but it shall be the duty of the Chairman of such Committee of the Whole in making his report of the proceedings in such Committee, whenever such report may be made, to include in such report a statement of such failure to vote as aforesaid, and of the question as to which such Alderman has so failed to vote.

Decisions in Committee on points of order may be reported.

57. Whenever a decision upon any question of order shall have been given by the Chairman of a Committee of the whole Council, under the provisions of By-law 49, any Alderman may move that such decision be embodied in the report to the Council of the proceedings in such Committee; and if such motion be carried such decision shall be so embodied in such report, whenever the same shall be made.

How progress may be reported.

58. Any Alderman may at any time during the sitting of a Committee of the whole Council move that the Chairman report progress (or no progress, as the case may be), and that leave be asked to sit again at a later period of the same day, or on some other day, or that no leave be asked to sit again; and if any such motion be carried the Council shall resume its sitting, and a report shall be made accordingly; but no discussion shall be permitted on any such motion, and if the same be negatived the subject then under consideration shall be discussed before another such motion shall be receivable.

Reports of proceedings in Committee, and want of quorum in Committee

59. All reports of proceedings in Committee of the whole Council shall be made to the Council *viva voce* by the Chairman of such Committee; and a report of such proceedings shall be made in every case, except when it shall be found, on counting the number of members during the sitting of any such Committee, that there is not a quorum present. In the latter case the sitting of the Council shall be resumed without any motion for that purpose, and the proceedings in Committee shall be considered to have lapsed: Provided that in making any such report as aforesaid, it shall not be necessary to report any such proceedings in extenso, but only to state the result, general effect, or substance of such proceedings.

How reports are to be dealt with.

60. All such reports of proceedings in Committee of the whole Council shall be recorded in the Minute-book; but, except as hereinafter mentioned, no such report shall be considered as adopted by the Council, nor shall any such application as aforesaid for leave to sit again be considered to have been granted by such Council, until a motion shall have been made and passed for such adoption, or for the granting of such leave, and every such motion for the adoption of a report, or for the granting of leave as aforesaid, and the order of debate on such motion, shall be subject to all the same rules as other motions in Council, and the order of debate on such other motions: Provided, however, that where a report shall have been made under By-law 56 of disorderly conduct in Committee, or under By-law 53, or failure to vote on division, or of any decision in Committee upon any question of order, such report shall, so far as it relates to such facts, be regarded and recorded as a statement thereof; and to that extent shall not, unless for the correction of a manifest error, be interfered with upon any pretext whatever.

Calls of the Council.

How call may be ordered.

61. A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Such call compulsory in certain cases.

62. There shall, without any special order to that effect, be a call of the Council for the consideration of every motion which may be made under By-law 51, and of every motion for the rescission of any resolution, order, or decision of such Council.

Modes of proceeding thereon.

63. The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered. Such call shall be made as follows:—The Council Clerk shall call the names of all the members in their alphabetical order; each member present shall answer to his name as so called, and if any members are absent a record

shall be made of such absence; but if leave of absence to any such member shall have been previously granted, or if such an excuse in writing shall have been forwarded to the Mayor or Council Clerk as a majority of the Council then present shall consider satisfactory, such member shall stand excused, and a record shall be made of such excuse, and of the reasons for the same.

Call of the Council—Penalties and exemptions.

64. Any member of the Council who, having had notice of such call of the Council, shall not answer to his name, or who being absent shall not be legally excused as aforesaid, or who, if absent and not so excused, shall fail to show that by reason of extreme illness, or any other sufficient cause, he has been unable to send an excuse in writing, or who having answered to his name shall not be present when a vote is taken on the motion or business as to which such call has been made, shall be liable to a penalty of not less than one pound nor more than five pounds: Provided that if the consideration of every such motion or matter of business be adjourned to a future day there shall be a further call on the resumption of such consideration; and the provisions herein as to penalties for absence shall have reference to such further call; and if there shall be more than one adjournment this proviso shall be taken to extend to the resumption of the consideration of such motion or matter of business after every such adjournment.

Standing Committees.

65. There shall be four standing Committees, namely,—A By-law Committee, a Committee for Works, a Finance Committee, and a Committee for General Purposes. These Committees shall be reappointed every year at the first meeting of the Council, which shall be holden after the election of the Mayor.

Constitution of standing Committees.

66. Each of the three Committees first named in the last preceding section shall consist of three members. The Committee for General Purposes shall consist of the Chairman of the three said first named Committees.

Mode of reappointing standing Committee.

67. The reappointment of the three said first-named Committees may, on resolution of the Council, be made by ballot. In such case a list of the members shall be handed to each member then present, who shall mark against the name of each such member the title of the Committee to which, in his opinion, such member ought to belong; and the Mayor, or Chairman, shall thereupon examine such lists as marked, and shall declare the result; and if there shall be an equal number of votes for the appointment of any two or more members to any of such first-named Committees, such Mayor or Chairman shall decide which of such members shall be appointed to such committee.

By-law Committee.

68. The By-law Committee shall prepare, for the consideration of the Council, drafts of all such By-laws as may be required for the good government of the Municipal District. They shall also watch over the administration of the By-laws, and of any statute of which the operation has been, or may be, extended to the Municipality, and shall take such steps as may be necessary for the prevention, or punishment of offences against such By-laws or statutes, and for the preservation of public health, order and decency.

Committee for Works.

69. The Committee for works shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, bridges, public reserves and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report thereon.

Finance Committee.

70. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect, or to be likely to affect, the finances of the Municipality, and as to such matters or subjects of the like nature, as they may be directed by resolution of the Council to inquire and report upon.

Committee for General Purposes.

71. The Committee for General Purposes shall take cognizance of every matter, subject, or question within the jurisdiction of the Council not coming within the province of one or other of the beforementioned standing Committees, and shall from time to time inquire into and report upon any such subject, matter, or question as they may think necessary, or as they may be directed by resolution of the Council to inquire into and report upon.

Special Committees.

72. The special Committees may consist of any number of members, and may be appointed for the performance of any duty which may be lawfully intrusted to a Committee, and for which in the opinion of the Council a special Committee ought to be appointed; and no standing Committee shall interfere with the performance of any duty which may for the time being have been entrusted to any such special Committee. The appointment of every such Committee shall be made by resolution, after due notice, and it shall be incumbent on the mover of such resolution to embody therein a statement of the duties proposed to be intrusted to such special Committee. The mover of any such resolution may name therein such members as in his opinion ought to constitute such Committee, or he may propose that such Committee consist of a certain number of members to be appointed by ballot; and in the latter case, or if any amendment to the effect that such special Committee be appointed by ballot be carried, each member then present shall receive a list of all the members of the Council, from which list he shall strike out all names but those of the persons of whom, in his opinion, such special Committee ought to be composed; and the Mayor or Chairman shall examine such list, and shall declare the result. And in the event of its becoming necessary through an equality of votes to decide as to which of two or more Aldermen shall serve on such Committee such Mayor or Chairman shall so decide.

Chairman of Committees.

73. Every Committee of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee within seven days after their appointment.

Term of service in Committee.

74. Appointments to the By-law Committee, the Committee for Works, and the Finance Committee, shall be for the whole Municipal year. The Chairman of these three Committees as appointed to or removed from the Chairmanship of the same, shall be thereby and without any further order regarded as having been appointed to or removed from the Committee for General Purposes. The appointment of every Special Committee shall be considered to endure until the duties for which such Committee have been appointed shall have been fully performed: Provided, however, that nothing herein contained shall be held to affect in any way the right of such Committee to remove any Chairman of such Committee, or to appoint another such Chairman in his stead, or to militate against the general provisions as to Committers in Sections 109 and 110 of the Municipalities Act of 1867; and that so much of By-law 65 as relates to the appointment, powers, and duties of Committees shall be read and interpreted in connection with such last-mentioned general provisions.

Committee meeting—how called.

75. The Council Clerk shall call a meeting of any Committee when requested to do so by the Chairman or any two members of such Committee.

Record of transactions in Committee.

76. The Chairman of each standing Committee shall make, or cause to be made, in a book to be kept by him for that purpose, memoranda of all the transactions of such Committee, which book he shall, on ceasing to be such Chairman, hand over to his successor.

Only members of Committee entitled to be present at Committee meetings.

77. No person, except a Member of a Committee, shall be admitted at any meeting of such Committee without the consent of the Chairman and the approval of the majority of members present.

Expenditure.

Except on emergent cases cost of all work to be estimated before undertaken.

78. With the exception of emergent matters hereinafter specially provided for, no work affecting the funds of the Municipality shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Emergent matters and necessary current expense—Expenses authorised to be reported—Outlay to be in accordance with orders of the Council.

79. For emergent matters, and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

- a. By order of the Committee for Works, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of ten pounds.
- b. By order of the Mayor for necessary current expenses to the extent of two pounds.
- c. By order of the Mayor and any two Aldermen, or without the Mayor, or any four Aldermen for any emergent purpose to the extent of ten pounds.

Provided that in every case a detailed report in writing of every such outlay shall be laid before the Council at its next meeting, such report to be signed by the Chairman of the Committee for Works, or the Mayor, or the Mayor and Aldermen, or the Aldermen without the Mayor, as the case may be, by whom such outlay shall have been authorised; also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorised.

All claims to be examined and reported upon by Finance Committee—Certificate required with each claim.

80. All accounts and demands of money against or from the Council shall be examined and reported on by the Finance Committee before any order shall be made for payment of such accounts or demands, and no payment shall be so ordered unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the officer of the Council, to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one and has been duly authorised or claim inquired into.

Common Seal and Records of the Council.

Common Seal and Press, how secured—care of same.

81. The common seal and the press to which the same is attached shall be secured by a cover-box which, except when such seal and press are in use, shall be kept locked. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk. Such common seal and press shall be in the custody and care of the Council Clerk.

When and how Common Seal to be used.

82. The common seal shall not be attached to any document without an express order of the Council. In every case when such common seal has been ordered to be attached to any document such document shall also be signed by the Mayor, or in case of the absence or illness of such Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account are to be kept and inspected.

83. The Treasurer shall keep such books of accounts and such records, statements, and memoranda of receipts and expenditure in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of accounts, records, statements, and memoranda from time to time to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

No officer to show books or papers of Council without leave from Council.

84. No officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person other than an Alderman without leave from the Council except as otherwise provided for by Section 108 of Municipalities Act of 1867.

Records not to be removed, &c.—Penalties—Exceptional circumstances. Receipt to be given in every case before document received—Provision as to use of records as matters of evidence.

85. Any person removing any book or other record of the Council as aforesaid from the Council Chamber without leave of such a removal having been first obtained from such Council, or without other lawful cause for such removal as hereinafter provided shall for every such offence be liable to a penalty of not less than one pound nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book or other record as aforesaid to prosecution for stealing such book or record or to an action at law for detention of the same: Provided that leave for temporary removal of a book or other record may be granted to the Council Clerk or the Treasurer by the Mayor in order that such Clerk or Treasurer may post up entries or perform any other duty which it may be necessary that he should perform; also that the Mayor, or the Chairman of any Committee, or any Alderman acting for any chairman, may temporarily remove any record necessary for the preparation of a minute or a report, or for the purposes of any prosecution or suit at law by, against, or at the instance of the Council; but in all cases such Clerk, Treasurer, Mayor, Chairman, or Alderman, as the case may be, shall give a receipt under his hand for every document so removed, and every such receipt shall be preserved among the records until the book or other record to which it refers shall have been returned, when such receipt shall be destroyed: And provided also that the Mayor, Council Clerk, or other officer of the Council who may be subpoenaed to produce any book or other record of the Council in a court of law shall have the right to remove such book or other record for the purpose of obeying such summons, but shall return such book or record as speedily as possible, and every such person so removing any book or other record of the Council as aforesaid shall be legally responsible for the safe keeping and return of the same.

Penalty for defacing or destroying record.

86. Any person destroying or defacing or altering any record of the Council shall, for every such offence, be liable to a penalty of not less than five pounds nor more than fifty pounds.

Officers and Servants.

Public notice of proposed appointments to any permanent office to be given.

87. No appointment to any permanent office at the disposal of the Council to which a salary or allowance of at least fifty pounds per annum is attached, shall be made until public notice shall have been given inviting applications from qualified candidates for the same; the salary or allowance attached to such office shall, in every case, be fixed before such notice is given and shall be stated in such notice: Provided that nothing herein contained shall be held to prevent the employment as may be found necessary of any workmen or labourers on the public works of the Borough.

Mode of appointment.

88. Every such appointment shall be made by ballot in such mode as may at the time be determined on whenever there is more than one candidate for such permanent office.

Bonds for good conduct of officers.

89. In cases where security is required by clause 151 of the Municipalities Act of 1867, no sureties shall be accepted otherwise than by a vote of the Council; and it shall not be competent for the Council to accept as sureties any of its own members, nor any person holding office in the Council.

Duties of Council Clerk.

90. The Council Clerk, in compliance with the Municipalities Act of 1867, or by the present or any other By-laws made thereunder, shall perform the following duties, viz. :—

1. Attend all Council meetings.
2. Attend all Committee meetings.
3. Attend all Courts of Revision and Appeal.
4. Summon the members of the Council to all Council or Committee meetings.
5. Take notes of all minutes, and prepare reports of all Committees.
6. Conduct all correspondence ordered by the Council, or under the direction of the Mayor, and give all other officers instructions as directed by the minutes.
7. To see that the accounts are audited, and the balance-sheet duly submitted twice a year within the time specified by law.
8. To see to the gazetting of all By-laws and necessary advertisements.
9. To see that assessment books and the Municipal lists and rolls are duly prepared, examine proofs of latter, and arrange for distribution of copies on payment, to electors prior to the elections.
10. Make all necessary arrangements for the elections, preparing all papers, &c., for presiding officers and poll clerks.
11. Prepare all bonds of officers, see that the guarantees are given, and agreements duly signed, &c., and report same to the Council.
12. Advise with the officers from time to time as to their duties, and the mode of carrying them out.
13. See that all levels and names of streets have been duly advertised, as provided for by law, and authenticated by the Mayor's signature.
14. To bring under the notice of the Mayor any matter or thing requiring his prompt attention.
15. He shall likewise have charge of all the records of the Council except such books or documents as may be intrusted to any other officer of the Council; and shall be responsible for the safe-keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council.
16. Prepare and lay before each regular meeting of the Council a statement of all works passed by the Council and not completed, setting forth in order the dates of votes for the same, together with the amount of such votes and the sum expended.
17. He shall enter into a guarantee society's security or such other security, as the Council may think sufficient for an amount fixed by the Council from time to time for not less than £200 for the faithful performance of his duties.

Duties of Treasurer.

91. The Treasurer shall have charge of such books of accounts and other records of the Council as are mentioned in By-law 60, and shall be responsible for the safe-keeping of the same. Any other officer of the Council may have any other records thereof committed to his charge by an order of the Council, and in such case shall be responsible for the safe-keeping of such records.

Duties of other officers and servants.

92. The duties of all officers and servants of the Corporation shall be defined by such regulations as may from time to time, and in accordance with law, be made.

Special powers of the Mayor

93. The Mayor shall exercise a general supervision over all officers and servants and all employees of the Council, and may order the preparation of any return or statement, or the giving of any explanation or information by any such officer or servant or employee of the Council in connection with the duties as he may think necessary.

Miscellaneous—Mode of calling for tenders.

94. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work, or the supply of such materials, shall be called for by public notice.

Powers to suspend By-laws.

95. Any of the foregoing By-laws which relate to the proceedings at meetings of the Council may be suspended pro tempore without notice in case of emergency, if all the members of the Council then present shall deem such suspension necessary.

Office hours.

96. The Council Clerk or other person duly authorised by the Council shall attend at the Municipal Council Chambers for the purpose of receiving payment of rates and transacting the ordinary business of the Council at such times as the Council shall direct: Provided that the Council's office shall not be open for business on any days appointed for public holidays.

How notices are to be published.

97. In all cases where public notice is or shall be required to be given by any By-law of any appointment, resolution, Act, order, or regulation of the Council, or of any Committee thereof, or by the Mayor or any officer of the Council, such notice shall, unless otherwise provided for by law, be given and published by posting the same on or near the outer door of the Council Chambers for the space of seven days, and by advertising the same in some newspaper circulating in the Borough.

How complaints against officers to be dealt with.

98. All complaints against officers or servants of the Council shall be in writing, and in every case be signed by the person complaining; and no notice whatever shall be taken of any complaint which is not in writing or is anonymous. All such complaints shall be addressed to the Mayor, who, immediately upon the receipt of any such complaint, and without laying the same before the Council, shall have power to investigate the same and report thereon at the next meeting, or he may if necessary suspend such officer or servant till the Council shall have dealt with the charge.

Miscellaneous.**Suits and prosecutions for penalties.**

99. Such suits or informations for the enforcement of penalties for or in respect of breach of the Municipalities Act of 1867, or of any By-laws made thereunder, or of any statute, the operation of which may have been extended to the Municipality as may have been directed by the Council or by the By-law Committee, or by the Mayor, to be commenced or laid shall be so commenced or laid as follows:—When against a member of the Council or an Auditor, or an officer of the Corporation, by the Council Clerk, unless such Council Clerk shall be the officer to be proceeded against, and in such case by any other officer named by the Council for that purpose; when against any other person by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been intrusted, and if there shall be no such officer then by any such officer or person as shall be appointed for that purpose by the Council or the By-law Committee or the Mayor, as the case may be, on directing such suit or information as aforesaid; and no suit shall be brought or information laid as aforesaid against any member of the Council or Auditor except by order of such Council, nor shall any similar proceedings be taken against any officer of the Council except on the order of such Council or of the Mayor, nor against any other person except upon the order of the Council or of the Mayor or of the By-law Committee. And no such suit shall be directed to be brought nor shall any such information be directed to be laid as aforesaid, except on an express resolution of the Council in any case where the bringing of such suit or the laying of such information will be adverse to any previous direction by such Council, or where, on the trial or hearing of any such suit or information, the same shall have been dismissed on its merits: Provided that in any case the conduct or prosecution of any suit or information may, on the order of the Mayor, be intrusted to an attorney.

Works over twenty pounds to be tendered for.

100. Works undertaken by the Council and estimated to cost over £50 (fifty pounds) shall be let by tender, and no tender shall be entertained unless it be accompanied by an agreement signed by one or more respectable parties as sureties for due performance of the contract, and accompanied by a deposit of 5 per cent. of the amount of each tender. Such deposit may be forfeited at the discretion of the Council.

Collection and enforcement of rates.—Times and modes of collection.

How rates under section 164 of Municipalities Act to be collected.

101. All rates levied or imposed by the Council under the provisions of 164 of the Municipalities Act of 1867, and for the purposes mentioned in the said section, shall be collected by annual or half-yearly instalments, as the Council shall from time to time direct, and shall be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Rates on damaged premises.

102. In the event of any premises being wholly or partially destroyed by fire or other accident the Council shall have power to accept an equitable proportion of the assessed rates of such premises for the remainder of any municipal year.

Levying rates, &c.

Due dates for rates—Defaulters.

103. The rates and taxes levied by the Council shall be held to be due and payable on such day or days as the Council shall, by resolution, from time to time appoint. Every person not paying his or her rates or taxes at the office of the Council or to the Council Clerk or other proper officer of the Council within thirty days after any of the days so appointed for payment thereof, shall be deemed a defaulter: Provided that due notice of such rate shall have been given in manner as required by the Municipalities Act of 1867.

List of defaulters to be furnished.

104. It shall be the duty of the Council Clerk to furnish the Mayor with a list of the names of all persons whose rates are unpaid at the expiration of the times fixed for payment of the same as aforesaid.

Mayor to enforce payment.

105. It shall be the duty of the Mayor to take proceedings to enforce payment of all rates in default either by action at law or by issuing warrants of distraint upon goods and chattels of the defaulter.

Bailiff to find sureties.

106. A Bailiff for the purpose of enforcement of rates shall be appointed by the Mayor, and shall be liable to removal from office in the same manner, and shall well and truly perform all the duties imposed upon him as such bailiff.

Enforcement by distress.

Warrant of distress.

107. All distresses shall be made under warrant in the form of Schedule A hereto, under the hand of the Mayor or any Alderman who may for the time being be duly authorised to performed the duties of that office.

Distress and sale.

108. If the sum for which any such distress shall have been made shall not be paid with costs as hereinafter provided on or before the expiration of five days from the time of such distress being made, the Bailiff shall cause to be sold the goods so distrained, or a sufficient portion thereof by public auction, either on the premises or at such other place within the Municipal District as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for, and costs, as hereinafter provided to the owner of the goods so sold on demand of such surplus by such owner.

Inventory.

109. At the time of making a distress the Bailiff shall make out a written inventory of the goods levied on in the form of Schedule B hereto, which inventory shall be delivered to the occupant of the land or premises or the owner of the goods so distrained, or to some person on his behalf resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the Bailiff shall give a copy of the inventory to such person on demand at any time within one month after making such distress.

Goods may be impounded.

110. The Bailiff on making a distress as aforesaid may impound or otherwise secure the goods or chattels so distrained of what nature or kind soever in such place or in such part of the land or premises chargeable with rates as shall be most fit and convenient for the purpose; and it shall be lawful for any person whosoever after the expiration of five days as hereinbefore mentioned to come and go to and from such place or part of the said land or premises where such goods or chattels shall be impounded or secured as aforesaid in order to view and buy and remove the same on account of the purchaser thereof.

Owner may direct order of sale.

111. The owner of any goods or chattels so distrained upon may direct and specify the order in which they shall be successively sold, and the said goods and chattels shall in such case be put up for sale according to such direction.

Proceeds of distress.

112. The Bailiff shall hand over to the Council Clerk all proceeds of every such distress within forty-eight hours after having received the same.

SCHEDULE A.

Warrant of distress.

I, _____, Mayor of the Municipality of Katoomba, do hereby authorize you, _____, to distrain the goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, being the amount of rates due to the said Municipality to the _____ day of _____ for the said dwelling-house (or land or premises as the case may be) and to proceed thereon for the recovery of the said rates according to law.

Dated this _____ day of _____, 18 ____ Mayor.

SCHEDULE B.

Inventory.

I have this day by virtue of the warrant under the hand of the Mayor of the Municipality of Katoomba, dated _____, distrained the following goods and chattels in the dwelling-house (or in and upon the land and premises) of _____, situate at _____, within the said Municipality, for being the amount of rates due to the said Municipality to the _____ day of _____

Dated this _____ day of _____, 18 ____ Mayor.

Costs.

113. There shall be payable to the Bailiff for the use of the Council for every levy and distress made under these By-laws the costs and charges set forth in the Schedule hereunto annexed marked C.

SCHEDULE C.

Costs.

	s.	d.
For every warrant of distress	2	0
For serving every warrant and making levy	2	0
For making and furnishing copy of inventory	1	0
If in possession more than five hours additional	5	0
And for every subsequent day, or part of a day, whilst in possession	5	0
For sale, commission and delivery of goods, per pound, on proceeds of the sale	1	0

Prevention and extinguishing fires.

Fire or combustible materials, endangering buildings.

113A. Every person who shall place, or knowing permit to be placed, in any house, yard, workshop, out-offices or other premises, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall be liable to a penalty not exceeding five pounds nor less than twenty shillings, and shall forthwith remove such powder or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction shall be deemed guilty of a further offence against this By-law.

Inflammable fences endangering buildings.

114. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as, or for the covering of any such stack any inflammable material so as to endanger contiguous buildings or properties or any trees, shrubs, or other produce of such properties, or any chattels in or upon such buildings or properties shall be liable to a penalty not exceeding five pounds nor less than twenty shillings, and also shall remove such fence, stack, or covering within a reasonable time after such conviction. And any person failing to remove such fence, stack, or covering within a reasonable time after such conviction as aforesaid shall be deemed guilty of a further offence against this By-law.

Discharging fireworks or firearms.

115. Every person who shall light any bonfire, tar-barrel, combustible matter, or firework in such a manner as to endanger any building, or shall discharge any firearms upon or within sixty yards of any street or public place shall be liable to a penalty not exceeding five pounds nor less than ten shillings.

Negligently suffering chimney to be on fire.

116. If any chimney accidentally catch or be on fire the person occupying or using the premises in which such chimney is situated shall be liable to a penalty not exceeding forty shillings nor less than five shillings: Provided always that such penalty shall not be incurred if such person prove to the satisfaction of the magistrate before whom the case is heard that such fire was in no wise owing to the omission or carelessness whether with respect to cleanse such chimney or otherwise of himself or his servant.

Fireworks.

117. Every person who shall light any bonfire, open fire, tar-barrel, or firework upon or within sixty feet of any building, public or private street, or any public place, or shall sell gunpowder, fireworks, or other combustible matter, by any artificial light other than gas, shall forfeit a sum not exceeding five pounds nor less than five shillings.

Manufacture of substances liable to sudden explosion.

118. It shall not be lawful for any person to establish or to carry on either in any building or vault, or in the open air, any business for the manufacture of gunpowder or detonating substances, or of matches ignitable by friction or otherwise, or other substances liable to sudden explosion, under a penalty not exceeding twenty pounds.

Manufacture of inflammable substances—Penalty.

119. It shall not be lawful for any person to establish or to carry on either in any building or vault or in the open air, at a less distance than forty feet from any public way or than fifty feet from any other building or any vacant land belonging to any other person than the landlord, any business for the manufacture of vitriol, or turpentine, or naphtha, or varnish, or fireworks, or oil, or oilcloth, or other things dangerous on account of the liability of materials or substances employed therein to cause sudden fire or explosion; and if any person shall establish or carry on any such business contrary to this By-law, he shall be liable, for every day during which such business shall be so carried on, to a penalty not exceeding twenty pounds nor less than ten pounds.

Notices—Streets and public places—Public health and decency.

Persons obstructing officers of the Council.

120. Any person or persons who shall obstruct any officer of the said Council while in the performance of his duty, or who shall interfere with any officer of the said Council doing or performing or going to perform or returning from the performance of any duty or act under these By-laws, by using any threats, offensive language, hindrance, or insulting language towards the said officer in any street, road, or other place within the said Municipality, shall forfeit and pay for every such offence a penalty not exceeding twenty pounds nor less than two pounds.

New roads to be reported upon—Dedication of new roads, &c.

121. No new public road, street, way, park, or other place proposed to be dedicated to the public shall be taken under the charge and management of the Council until after such road, street, way, or park shall have been formed by the proprietor or proprietors to the reasonable satisfaction of the Committee of Works or any duly authorised officer, or until the said road, street, way, or park shall have been duly examined and reported upon to the Council by such Committee or authorised officer. If the Council shall determine to take charge of any such road, way, or other place as aforesaid, the plan or plans so signed as aforesaid shall be preserved as a record or records of the Council, and the proprietor or proprietors aforesaid shall execute such further instrument dedicating such road, way, park, or other place to the public use or recreation as aforesaid as may be considered necessary by the Committee for general purposes; and such further instrument of dedication shall also be preserved as a record of the Council.

Change of street levels.

122. Whenever it may be deemed necessary by the Council to alter the level of any such public road, street, or way as aforesaid, the Committee for Works shall cause a plan and section showing the proposed alterations to be exhibited at the Council Chambers for fourteen days for the information and inspection of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality, that such plan is so open to inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor or Chairman and the proposer and seconder of the motion for such adoption and countersigned by the Council Clerk. And such plan and section so signed and countersigned shall be a record of the Council.

Roads and streets and encroachments thereon.

123. The Committee for Works, or the surveyors of the Municipality, or other officer or person duly authorised by the Council in that behalf, shall be the proper officers for marking out, and shall fix marks and lay out the levels of all public roads, streets, lanes, and thoroughfares, and the carriage and foot ways thereof, which now are or shall hereafter be under

or subject to the control, construction, care, or management of the Council. In marking out such roads, streets, lanes, and thoroughfares recourse shall be had, when practicable, to the plans under which the land with frontage to the road, street, lane, or thoroughfare in question shall have been sold or let. And it shall be the duty of such Committee for Works or surveyor; or other officer to place posts at the corners or intersections of such streets, roads, lanes, or thoroughfares whenever the same may be deemed necessary or desirable by the Council, so as to give a width of 42 feet for the carriage-way and 12 feet for the footway on each side. Where the road, street, lane, or thoroughfare shall be 66 feet wide and in proportion, and in the discretion of the Council in any such road, street, lane, or thoroughfare or other public place of other width than 66 feet wide: Provided that there be no change of level in any such public road, street, lane, or thoroughfare or public place until the same shall have been submitted to and adopted by the Council as hereinafter provided.

Erection of house, fee for permission, &c.

124. No person shall be permitted to erect any house, shop, or other building in any street, lane, or place within the said Municipality without first serving notice in writing on the Mayor or Council Clerk or other duly authorised officer before commencing the same, stating his intention, setting out a plan and giving particulars of the proposed building; and every owner of and every contractor for such house, shop, or other building, or part thereof, commencing to build or work thereon without such notice having been given, shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Houses must have spouting and down-pipe.

125. All proprietors of houses within the Municipality, having a frontage to any street, shall be bound to have the same sufficiently spouted with down-pipe, to be carried under the surface of the footpath into the gutter, under a penalty of ten shillings on conviction; and if not remedied at the expiration of seven days after such conviction, the offender shall be again liable to a like conviction and penalty, also for every succeeding seven days during which the same shall not be remedied.

No balcony, &c., to project.

126. With regard to buildings hereafter to be built or rebuilt, it shall not be lawful for any awning, verandah, portico, balcony, coping, parapet, overhanging eaves, cornice, windows, string-cornice, string-course, dressing, or other architectural decoration forming part of or attached to any external wall to project beyond the building line of any street or road except with the consent of the Council first obtained; nor shall any balcony or any other external projection as aforesaid, which may hereafter be added to any existing building, be allowed to project as aforesaid under a penalty not exceeding five pounds nor less than one pound except with the consent of the Council first obtained: Provided that no such awning, verandah, portico, or balcony shall be permitted to be erected in any street less than 30 feet wide: Provided also that any person desiring to erect any such structure shall first submit a plan for the approval of the Council.

Encroachments must be removed on notice—Council may remove same or proceed by action—Applies also to obstructions by digging.

127. The surveyor or other such officer or person may at any time on the order of the Council and upon due notice of thirty days, direct the removal of any building, fence, or other obstruction or encroachment in and upon any road, street, lane, or thoroughfare under the charge of the Council. Notice shall, in this case, be served either personally or at the usual or last known place of abode of the person to whom such obstruction or encroachment in structure belongs or who has erected or caused it to be erected. In any case where after service of notice for the removal of any obstruction or encroachment as aforesaid, the person causing the same shall not remove it within a reasonable time, it shall be lawful for the Council to direct the removal of the same under the superintendence of its own proper officer, and at the cost of the person so offending: Provided that the expenses thereby incurred shall in no case exceed the sum of ten pounds, or at the Council's option to proceed against the offender for breach of this By-law, the penalty not to exceed twenty-five pounds nor to be less than one pound, and in case of every successive offence the penalty on conviction not to be less than five pounds. In every case where the obstruction or encroachment cannot be removed unless at a greater cost than ten pounds, it shall be open to the Council either to direct such removal and to pay all the cost thereof above ten pounds from the funds of the Council, or to proceed by action for trespass against the person causing such obstruction or encroachment or to proceed for a breach of such By-laws as aforesaid. The foregoing provisions shall be equally applicable to all obstructions by digging or excavations; and any person who shall wilfully obstruct or interfere with the surveyor or other officer as aforesaid, or any person acting for or under him, or either of them in the exercise of any of the duties or powers by these By-laws imposed or cast on the said surveyor or officer, shall on conviction forfeit and pay a penalty of not less than two pounds nor more than twenty pounds.

Hoards or fences to be erected.

128. Every person intending to build or take down any building within the limits of the Municipality, or cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be done where any street or footway will be obstructed or rendered inconvenient by means of such work, shall before beginning the same cause sufficient hoards or fences to be up in order to separate the building where such works are being carried on from the street with a convenient platform and handrail as aforesaid, standing in good condition to the satisfaction of the officer of the Council of the said Municipality during such time as the public safety or convenience requires, and shall in all cases in which it is necessary in order to prevent accident cause the same to be sufficiently lighted during the night; and any such person who shall fail to put up such fence or hoard or platform with such handrail as aforesaid during the period of such building or taking down, or who shall not while the said hoard or fence is standing keep the same sufficiently lighted in the night, or who shall not remove the same when directed by the officer of the Council of the said Municipality within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding forty shillings for each day such default is continued. The foregoing provisions having reference to hoards or fences in front of buildings apply equally to any hole, pit, cellar, vault, or foundation in course of digging or construction.

No turf, gravel, &c., to be removed from streets without permission.

129. Any person who shall form, dig, or open any drain or sewer, or remove, or cause to be removed, any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or foot way of any street or public place within the said Municipality, without leave first had and obtained from the Council, or who shall wantonly break up or otherwise damage any such carriage or foot way, shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Open spaces and steps adjoining the footways to be enclosed under penalty.

130. Every owner or occupier of any house, building, premises, or land within the said Municipality having any entrance, area, garden, or other open space, or any vacant building, lot, waterhole, or excavated space adjoining the footway of any street or public place in such Municipality, shall protect and guard the same by good and sufficient paling fence, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof every such owner or occupier shall, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such rails, fence, or other enclosures as aforesaid, within seven days after any such conviction as aforesaid, shall be deemed guilty of a further offence against the By-law.

Wells to be covered under penalty.

131. Every person who shall have a well or underground tank on his or her premises used for domestic purposes shall cause such well to be securely and permanently covered over to the satisfaction of the duly appointed officer of the Council; and if any person having such well or underground tank as aforesaid shall fail to cover over and secure the same within seven days after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such seven days' notice that such well or underground tank shall remain open or uncovered contrary to the provisions hereof such person shall be deemed guilty of a separate offence against this By-law.

Temporary stoppage of traffic for repairs.

132. The Committee for Works, or any officer or person acting under the authority of such Committee, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty not exceeding five pounds for every such offence.

Drawing or trailing timber, &c.

133. Any person who shall haul or draw, or cause to be hauled or drawn, upon any part of any street or public place within the said Municipality, any timber, stone, or other thing otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried

principally or in part upon any wheeled vehicle or barrow to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such vehicle or barrow so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damages occasioned thereby.

Throwing filth, &c., on footways or streets.

134. Any person who shall throw cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, slops, suds, or other filth or annoyance, or any matter or thing in or upon the carriage-way, footway, or water-table of any street, lane, or other public place in the said Municipality, shall on conviction forfeit and pay a fine not less than forty shillings nor more than five pounds, and shall, in addition to any such forfeiture, pay the cost of removing such filth or obstruction, or of restoring such water-table into its proper channel.

Placing goods, &c., on roadways, &c.

135. If any person shall set or place, or cause or permit to be set or placed, any stall, show-board, basket, or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or cause to be hooped, placed, washed, or cleaned, any cask or vessel in or upon or over any road, footway, or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit, or suffer to be set, laid, or placed, any coach, cart, dray, barrow, truck, or other carriage upon any footway, or if any person shall set or place, or cause to be set or placed, in, upon, or over any of the said carriage or foot ways, any timber, stone, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as hereinbefore directed) or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed any meat or offal or other thing or matter whatsoever from any house or premises over any part of such footways or carriage-ways, or over any area of any house or premises, or any other matter or thing from and on the one side or any part of any house or premise, over or next to any such street or road, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances, or any other officer of the Council, and shall not continue and keep the same so removed; or if any person having in pursuance of any such requisition as aforesaid removed or caused to be removed any such stall, show-board, basket, goods, coach, cart, dray, barrow, truck, carriage, timber, stone, brick, lime, meat, offal, or other matter or things, and shall at any time thereafter again set, lay, or place, expose or cause, procure, permit, or suffer to be set, laid, placed, or exposed the same, or any of them, or any other article or thing whatsoever (save and except as aforesaid), in, upon, or over any of the carriage or foot ways of or next unto any streets or roads as aforesaid, in every such case every person so offending shall forfeit a sum not exceeding forty shillings nor less than ten shillings.

Obstructing public pathways.

136. If the owner or occupier of any land situate on the side of any street or road in this Municipality shall permit any tree, shrub, or plant kept for ornament or otherwise to overhang any footpath or footway on the side of any such street or road, and on demand made by the Council shall not cut, lop, or cause to be lopped, all such trees, shrubs, or plants, to the height of ten feet at least, the said Council, by their servants, labourers, and workmen, may cut or cause to be cut or lopped, all such overhanging trees, plants, or shrubs, and to remove or burn any such trees, plants or shrubs so cut or lopped, without being deemed a trespasser or trespassers; and in case any person or persons shall resist, or in any manner forcibly oppose the said Council, or their servants, labourers, or workmen, in the due execution of the powers given in this behalf, by virtue of the Municipalities Act of 1867, every person so offending shall, on conviction for every such offence, forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Slops, night-soil, &c., to be conveyed away only at certain hours.

137. Any person or persons who shall drive or cause to be driven any cart or other carriage with any night-soil or ammoniacal liquor therein, through or in any street or public place, within the said Municipality, between the hours of 5 o'clock in the morning and 11 o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any night-soil, ammoniacal liquor, slop mire, or channel dirt, or filth in or upon any such street or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road or dwelling-house than shall be directed by the said Council or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles, or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or the said Inspector of Nuisances,

shall for every such offence forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or the said Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending shall be liable to forfeit and pay such penalty as aforesaid.

Riding on drays and careless driving.

138. If the driver of any waggon, wain, cart, or dray of any kind shall ride upon any such carriage in any street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driver, or guided with reins excepted) or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses, or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever meeting any other carriage shall not keep his waggon, cart, dray, or coach or other carriage on the left or near side of the road, street or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her on any carriage under his or her care upon such street; or by negligence, or misbehaviour, prevent, hinder or interrupt the free passage of any carriage or person in or upon same, or shall ride or drive round the corner of any street, road, or thoroughfare faster than a walk, every such driver or person so offending shall upon conviction forfeit any sum not exceeding forty shillings.

Riding or driving furiously.

139. Any person who shall ride or drive through or upon any street or public place within the said Municipality so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds.

Blasting Rock.

No rock to be blasted without notice to the Council Clerk.

140. Any person who shall be desirous of blasting any rock within 100 feet of any street or public place or dwelling-house in the said Municipality, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rocks within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Public Property.

Injuring or extinguishing lamps.

141. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Municipality, shall over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

As to damaging buildings, &c.

142. Any person who shall damage any public toll-gate, toll-bar, toll-board, wall, parapet, fence, sluice-bridge, culvert, sewer, water-course, or other public property within the said Municipality, shall pay the cost of repairing the same; and if such damage be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds.

Placing notices on footways or kerb-stones—Distributing or affixing anything of an offensive or indecent character.

143. Any person who shall stamp, stain, paint, write, or post, any advertisement or notice upon any footway or kerb-stone within this Municipality, shall be liable to a penalty not exceeding forty shillings. Any person who shall in any street or place within this Municipality, post, expose to view, or distribute any placard, hand-bill, or other document whatever of an offensive or indecent character, shall be liable to a penalty not exceeding forty shillings.

Affixing placards on walls and chalking thereon.

144. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, fence, house, or building by chalk or paint, or in any other manner unless with the consent of the owner thereof. Any person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding twenty shillings.

Dead animals not to be thrown into any public water-course.

145. Any person who shall cast any filth, rubbish, or any dead animals, or any animal with intent to drowning, into any public water-course, sewer, water-hole, river, creek, road, or pathway, or who shall suffer slops, suds, or filth of any kind to flow from his or her premises over any of the footways or

streets of the Municipality, or shall permit or cause by means of pipes, shoots, channels, or other contrivances, filth of any kind whatsoever, to flow into any public water-course, water-hole, river, creek, or canal, or shall obstruct or divert from its channel any sewer or water-course, river, creek, or canal, shall forfeit any sum not exceeding five pounds nor less than two pounds.

Dead animals—mode of removal.

146. If any animal shall die in any part of the said Municipality and the owner of such animal or the occupier of the place, if private property where such animal shall have died, shall not cause such animal to be immediately destroyed by fire or so effectually removed and disposed of that no nuisance can possibly result therefrom in any part of the said Municipality, he shall for every such offence forfeit and pay any sum not exceeding twenty pounds nor less than two pounds: Provided if the occupier of the premises on which such dead animal shall have been found be not the owner of such dead animal, the owner when found shall be liable for the cost of destroying or removing such animal as in this By-law aforesaid.

Swine not to be kept.

147. Any person who shall keep any kind of swine in any building, yard, or any other premises situate within forty yards of any street, lane, or any public place or any dwelling-house, shall be liable to a penalty not exceeding forty (40s.) shillings nor less than five (5s.) shillings.

Animals suffered to stray.

148. Any person who shall suffer any kind of swine, or any horse, ass mule, sheep, goat, cow, or any other animal of a like nature belonging to him or her, or under his or her charge to stray or go about, or to be tethered or depastured in any street, road, or public place shall on conviction forfeit and pay any sum not exceeding forty shillings, nor less than five shillings for such and every animal so kept, suffered to stray or go about, or to be tethered, depastured in any such street, road, or public place as aforesaid, and the owner or occupier of any house or premises or other place within the said Municipality, wherein any such horse, mule, ass, sheep, goat, cow or other animal is kept, fed, milked, or used in any way whatsoever shall within the meaning of these By-laws be deemed the owner of every such animal so bred, kept, suffered to stray or to be tethered or depastured in any such street or public place as aforesaid. And the word "horses" shall be sufficient designation for any entires, geldings, mares, or foals, and the word "cattle" for any bulls, oxen, cows, or calves, when more than one is the subject of information and summons under the provisions of these By-laws.

Slaughtering.

149. Any person slaughtering or causing to be slaughtered any cattle, sheep, swine, or other beasts in any house, enclosure, or place within the Municipality for the purpose of sale, without the written sanction of the Council, shall be liable to a penalty of not less than two (2) pounds nor more than ten (10) pounds for every animal so slaughtered.

Private persons slaughtering for their own use.

150. Nothing in these By-laws contained shall extend to or affect any person or persons slaughtering at his or her, or their own residences within the said Municipality, animals for the personal consumption of himself, herself, or themselves, and of his or her or their family, servants, or labourers: Provided that the place where any such animal so slaughtered be not less than fifty feet from any street or other public place, or from any residence other than the residence of such person or persons so slaughtering, as in the By-laws aforesaid.

Power of officers of Council to inspect butchers' shops.

151. The Inspector of Nuisances or other officer duly authorised by the Council may, and is hereby empowered at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall, or place kept or used for the sale of butcher's meat, and to examine any carcase, meat, or flesh, which may be therein, and in case any carcase, meat, or flesh appear to him to be intended for the food of mankind, and to be unfit for such food, the same may be seized; and if it appear to a Justice of the Peace, upon the evidence of a competent person, that any such carcase, meat, or flesh is unfit for the food of mankind, he shall order the same to be destroyed, or to be disposed of so as to prevent its being exposed for sale or use for such food, and the person or persons to whom such carcase, meat, or flesh belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding ten pounds for every carcase or piece of meat or flesh so found.

Cleaning butchers' shambles.

152. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or for any other officer or officers appointed by the Council from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shambles, boiling-down establishments, tanneries, and fellmongering establishments in the said Municipality, and to give such directions concerning the cleansing the

said shambles, tanneries, and establishments, both within and without, as to him shall seem needful; and any butcher, or the owner or occupier of any such shamble, tannery, or establishment who shall refuse or neglect to comply with such directions within a reasonable time shall forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Complaints respecting dirty premises.

153. Upon the complaint of any householder that the house, premises, yards, close's, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other officer appointed by the said Council shall make an inspection of the premises complained of; and such officer of the said Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose; and any person who shall personally, or by any person in his employment or under his control, suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain in any cellar or place within any dwelling-house or premises within the said Municipality, or shall in like manner suffer the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than one pound.

Various obstructions and annoyances.

154. Any person who in any street or other public place or passage within the said Municipality, to the obstruction, annoyance, or danger of the residents or passengers, shall commit any of the following offences, shall on conviction for any and every such offence forfeit and pay a penalty of not more than two pounds.

- (1.) Every person who shall hoist or cause to be hoisted, or lower or cause to be lowered, goods of any description from any opening in any house fronting any street or public place and close to the footway thereof without sufficient and proper ropes and tacklings.
- (2.) Every person who shall carry or convey, or cause to be carried or conveyed, in any street or public place, the carcase or any part of the carcase of any newly slaughtered animal without a sufficient and proper cloth covering the same for the concealment from the public view, or shall hawk or carry about butchers' meat for sale without covering the same as aforesaid.
- (3.) Every person who shall place any line, cord, or pole across any street, lane, or passage, or hang or place clothes thereon, or allow any shrub or tree overhanging the footpath to the danger or annoyance of any person.
- (4.) Every person who shall place any flower pot in any upper window near to any street or public place without sufficiently guarding the same from being thrown down.
- (5.) Any person who shall throw or cast from the roof or any part of any house or other building any slate, brick, part of a brick, wood, rubbish, or other material or thing (unless within a hoard or enclosure, when any house or building is being erected, pulled down, or repaired).
- (6.) Every blacksmith, whitesmith, anchormith, nail-maker, metalfounder, limsburner, bricker, potter, or other person using a forge, furnace, or kiln, and having a door, window, or aperture fronting or opening into or towards any street, lane, or passage, and not enclosing such door, and not fastening the shutters or other fastenings of such windows and closing such aperture or placing a screen before the same every evening within one hour after sunset, so as effectually to prevent the light from showing through the doorway, window, or aperture next or upon such street, lane, or passage.
- (7.) Every person who shall, within the distance of one hundred yards from any dwelling-house, burn any rags, bone, cork, or other offensive substance to the annoyance of any inhabitant.
- (8.) Every person who shall carry goods or any frame to the annoyance of any person upon the footway or any street or other public footway.
- (9.) Every person who shall be the keeper of or have any dog or other animal which shall attack or endanger the life or limb of any person who may have the right-of-way or use of any private yard, alley, street, or any other place within the said Municipality.

Premises in state to endanger public health.

House to be purified on certificate of two medical practitioners.

155. If, upon the certificate of two duly qualified medical practitioners, it appears to the Council that any house or part thereof, or the premises occupied in connection therewith, within the Municipality, is or are in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby, and the whitewashing, cleansing, or purifying of any house or part thereof, or the

premises occupied in connection therewith, would tend to prevent or cheque infectious or contagious disease, the said Council shall give notice in writing to the owner or occupier of such house or part thereof, or the premises occupied in connection therewith to whitewash, cleanse, or purify the same, as the case may require; and if the person to whom notice is so given shall fail to comply therewith within such time as shall be specified in the said notice he shall be liable to a penalty not exceeding ten shillings for every day during which he continues in default: Provided that no such penalties shall collectively amount to any greater sum than twenty pounds.

Closets, stables, &c., not built in conformity with this By-law, or being a nuisance, to be altered, or repaired, or removed.

156. If any stable, cowshed, or other out-house, or any closet, privy, or cesspit is or shall be, in the opinion of the Council and Inspector of Nuisances, a nuisance from its too close proximity to any adjoining premises, or from any other cause, or is not kept in repair or clean, the Council may by notice in writing given to the owner or occupier order the same to be taken down, altered, repaired, or cleansed, as the case may require; and if any such order be not obeyed within fourteen days from the service of such notice, the Council or Mayor may, without any further notice, cause the same to be pulled down, destroyed, altered, repaired, or cleansed, and shall be entitled to recover all expenses that may be incurred from the owner or occupier in a summary way at the suit of the Council.

Offences against public decency.

Bathing prohibited within certain limits.

157. Any person who shall bathe near to or within view of any inhabited house, or of any bridge, street, road or other place of public resort within the limits of the Municipality, between the hours of six o'clock in the morning and 8 in the evening shall on conviction forfeit and pay a sum not exceeding one pound nor less than ten shillings for every such offence.

Penalty on indecent exposure of the person.

158. Any individual who shall offend against decency by exposure of his or her person in any street or public place within the said Municipality, or in view thereof, shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds nor less than five pounds.

Throwing rubbish on private property without permission.

159. No kind of rubbish or offensive matter shall be thrown upon any public or private property within the Municipality without permission first obtained from the Municipal Council and the owner or owners of such property. Persons found guilty of a breach of this By-law shall forfeit and pay for every such offence any sum not exceeding two pounds nor less than ten shillings.

Planting trees in streets.

160. The Council shall have the power to plant trees, shrubs, or plants, in the streets or public ways of the Municipality, and any person wilfully or carelessly injuring or destroying any of such trees, shrubs, or plants, or any railing fence or thing protecting the same shall on conviction forfeit and pay a sum not exceeding ten pounds nor less than two pounds, in addition to the value of the trees, shrubs, plants, railing, fence or thing so injured.

Noisome and offensive trades.

No noisome or offensive trade to be carried on to the injury of any person.

161. No person shall carry on any noisome or offensive trade within the said Municipality so as to injure or be a nuisance as hereinafter stated, to the inhabitants thereof.

Definition of "Noisome and offensive trades."

162. Any manufacture, trade, calling, or operation in the conducting, following, or carrying on of which, or in consequence of, or in connection wherewith, or from the premises where the same is conducted, followed, or carried on any gas, vapour, or effluvia, or any large quantities of smoke, shall be evolved or discharged, which gas, vapour, effluvia, or smoke, shall be calculated to injure animal or vegetable life, or in any other way to injure or to be a nuisance to the inhabitants of the said Municipality, shall be considered a "noisome and offensive trade" within the meaning of these By-laws.

Complaint—Inquire and report—Order of Council thereon—Notice to discontinue, &c.—Penalty.

163. Upon complaint in writing by any householder that any noisome or offensive trade is being so followed, conducted, or carried on in the vicinity of his or her residence or property as to allow his or her health or the health of any member of his or her family, or to be a nuisance to such householder and to his or her family, the Inspector of Nuisances, or any other person or persons appointed by the Council, shall make an inspection of the premises in which such trade is alleged to be so conducted, followed, or carried on as aforesaid and of the premises or property of the complainant, and shall inquire into the grounds for such complaint, and shall report thereon to

the said Council: And if the said Council shall on the consideration of such report, or after any such further inquiry as may be deemed necessary, be of opinion that the said complaint is well-founded, and that any manufacture, trade, calling, or operation so complained of and so being conducted, followed, or carried on as aforesaid, is a "noisome and offensive trade" within the meaning of these By-laws, notice shall be given to the person or persons conducting, following, or carrying on such trade to cease and discontinue the same within such reasonable time, not being less than thirty days nor more than sixty days, as the said Council may direct, or so to conduct, follow, or carry on his, her, or their manufacture, trade, calling, or operation so that within such reasonable time as that aforesaid, the same shall wholly and permanently cease to be noisome and offensive within the meaning of these By-laws, either to the said complainant or to any other resident within the said Municipality. And if such trade shall not be discontinued as aforesaid, or shall not be so conducted as that it shall wholly cease to be noisome and offensive as aforesaid, within the time named in such notice as aforesaid, any person conducting, following, or carrying on such trade aforesaid shall for the first offence forfeit and pay a sum not less than forty shillings nor more than five pounds, for a second offence a sum of not less than five pounds nor more than twenty-five pounds, and for the third and every subsequent offence a sum of not less than ten pounds nor more than fifty pounds.

Mode of proceeding where "noisome and offensive trade" is about to be commenced—Penalty.

164. The like proceedings shall be taken as aforesaid whenever there shall be a complaint as aforesaid, that any manufacture, trade, calling, or operation is about to be commenced or entered upon which is likely to prove "noisome and offensive" within the meaning of these By-laws, save and except the notice to be given as aforesaid, shall be given to the person or persons about to commence or enter upon such manufacture, trade, calling, or operation, and shall require him, or her, or them, not to commence or enter upon the same, or to take such measures as shall effectually and permanently prevent the same from becoming "noisome and offensive" within the meaning of these By-laws to any resident within the Municipality. And any person who shall in any such case commence, enter upon, or continue any such manufacture, trade, calling, or operation, so that the same shall be in any way "noisome and offensive" within the meaning of these By-laws, shall for every such offence forfeit and pay a sum of not less than ten pounds nor more than fifty pounds.

Inspector of Nuisances may take legal proceedings.

165. The Inspector of Nuisances, or other person appointed by the Council, may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Service of notice—Liabilities.

166. Service of any such notice as aforesaid upon the occupier or owner of any premises or land wherein or whereon any such manufacture, trade, calling, or operation is being conducted, followed, or carried on, or is about to be commenced or entered upon, or at the last known place of abode of such occupier or owner, or upon any person on the said premises or land, shall be a good and sufficient service of such notice for all purposes of these By-laws. And every person who shall be actually engaged in superintending, directing, or managing, or who shall be in any other way actually engaged or employed in any such manufacture, trade, calling, or operation as aforesaid, shall be liable to be regarded and treated as a person conducting, following, or carrying on such manufacture, trade, calling, or operation within the meaning and for all the purposes of these By-laws.

Penalties to be paid over to Treasurer.

167. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipality to be appropriated as the Council may direct.

Interpretation of Mayor and Municipality.

168. Whenever in any of these By-laws the word "Mayor" is made use of it shall, unless the context shall indicate a contrary intention, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the word "Municipality" is made use of in the said By-laws it shall be understood to signify the "Municipality of Katoomba."

Public Exhibitions.

Exhibitions, &c., to be licensed.

169. No exhibition other than exhibitions licensed by the Colonial Secretary under the provisions of the Act 14 Vic. No. 23, or exhibitions of a temporary character hereinafter specially provided for, shall be held or kept for hire or profit within the said Municipality; nor shall any bowling-alley, dancing saloon, or other place of public amusement other than places licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such for hire or profit within the said Municipality, unless and until permission in writing be granted by the Mayor.

Penalty for exhibiting, &c., without license.

170. Every person holding or keeping any such exhibition, or using any place within the said Municipality for public amusement as aforesaid, or causing, or permitting such place to be so used without such permission of such Mayor, shall forfeit and pay a sum not less than twenty shillings nor more than ten pounds for every day that such exhibition shall be so held or kept, or such place shall be so used for public amusement as aforesaid.

No exhibitions on Sundays, &c.

171. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for the purpose of such public amusement on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law in this behalf shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds for every such offence.

Miscellaneous.

Damming up without consent.

172. Whosoever shall, without the consent in writing of the Council, construct or place any dam or embankment or allow any accumulation of drift or silt to accumulate in or across any river, creek, or natural water-course, shall forfeit and pay any sum not less than one pound nor more than twenty pounds, and shall remove such dam or embankment within a reasonable time after such conviction, or shall forfeit and pay any sum not less than five pounds nor more than fifty pounds. And if after such second conviction such person shall fail to remove such dam or embankment within a further reasonable time he shall forfeit and pay a sum of not less than twenty pounds nor more than fifty pounds; and if within a reasonable time after a third or further conviction he shall fail to remove such dam or embankment, he shall for every such offence forfeit and pay a sum of fifty pounds.

Nuisances Prevention Act By-laws.

173. Every person who shall be about to erect a closet, or form, excavate, or make a cesspit, shall, before he shall commence to erect such closet, or to form, or excavate, or make any such cesspit, deliver to the Council Clerk a notice in writing, of the intention of such person to erect such closet, or form, excavate, or make such cesspit, and of the place or position in which it is intended that such closet shall be erected, or such cesspit formed, excavated, or made; and if any person shall commence to erect any closet, or to form, excavate, or make any cesspit within the said Municipality without having given such notice in writing as aforesaid, and before the expiration of seven days after the delivery of such notice (except by the written authority of the Inspector of Nuisances for the said Municipality, or other officer for the time being appointed by the Council of the said Municipality in that behalf), he shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

173a. No person shall erect or commence to erect any closet, or to form, excavate, or make any cesspit, except in such place or position as shall be approved by the Inspector of Nuisances or other officer aforesaid; and any person who shall erect, or commence to erect, any closet, or to form, excavate, or make any such cesspit without having obtained the approval of the said Inspector, or other officer, or in any place or position other than the place or position approved of by the said Inspector or other officer as aforesaid, shall forfeit and pay a penalty of not less than ten shillings nor more than forty shillings. But any person who shall feel aggrieved by the decision of such Inspector or other officer may appeal against the same to the Council.

174. Every cesspit to be constructed within the Municipality shall be built of nine-inch brickwork, set in cement; that it be puddled with not less than 6in. of clay outside all round; floor, as well as walls to be set in cement. The top of such cesspit shall be at least six inches higher than the highest part of the surface of the ground immediately adjoining such cesspit, and no cesspit shall be formed, excavated, or made under any dwelling-house, nor at a less distance than twenty feet therefrom, area permitting. If any person shall so form, excavate, or make any cesspit which shall not be in accordance with the provision of this By-law, or shall form, excavate, or make any cesspit under any dwelling-house, or at a less distance than twenty feet, area permitting, he shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

175. For houses containing not more than four rooms and out-offices, the cesspit shall not be less than 3 feet by 4 feet and 5 feet deep, inside measurement; for houses containing more than four rooms and out-offices, the cesspit shall not be less than 3 feet 6 inches by 4 feet and 5 feet deep, inside measurement.

176. Every closet shall be built with walls 7 feet high, and shall not be less than 3 feet 6 inches wide and 4 feet 6 inches long, and shall be provided with a door capable of being fastened inside, and with a manhole in the centre not less than 2 feet square, clear internal measurement, to be covered with a trap-door; and every person who shall build or erect any closet which shall not be in accordance with this By-law shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

177. Where two or more closets adjoin each other, there shall be a sufficient dividing wall not less than 9 inches in thickness between every two closets, and such wall shall extend from the bottom of the cesspit up to the roof of the closet, so as to effect a complete separation; and if any person shall erect any two or more closets adjoining each other, and not in accordance with this By-law he shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

178. A separate closet shall be provided for each tenement, and any person offending against the provisions of this By-law shall forfeit and pay a penalty of not more than five pounds nor less than two pounds.

179. In schools, factories, or other places of business where a number of persons exceeding twelve shall ordinarily reside or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less than 80 cubic feet, and separate closets shall be provided for each sex; and every owner, occupier, or tenant of such school, factory, or other place of business, and every other person who shall offend against this By-law, or fail to provide the number of the closets and of the capacity in this By-law mentioned, shall forfeit and pay a penalty of not more than five pounds nor less than one pound.

180. If any alterations shall be requisite in the opinion of the Inspector of Nuisances or other officer appointed by the Council in their behalf, for preserving public health or decency in case of any cesspit or closet, and the Council shall adjudge such cesspit or closet to be injurious to the health or opposed to decency by exposure or otherwise, and the owner or occupier shall not make the necessary alterations after receiving fourteen days' notice from the Council Clerk, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council to remove the said nuisance, and any expense incurred thereby may be sued for and recovered in a summary way.

181. Owners of existing closets and soil-pans may be required to alter or improve them in such manner as may be necessary in order to bring them into conformity with these Regulations, on notice being given by the Inspector of Nuisances to that effect. Persons failing to make such alterations or improvements within one month after the receipt of such notice, shall be liable to a penalty of not less than one pound nor exceeding the sum of three pounds for each and every week or portion of a week during which they shall fail to comply with the terms of the said notice.

182. The night-soil shall be removed by contract in properly-constructed water-tight vehicles, between the hours of 11 p.m. and 5 a.m.

183. Persons desirous of using earth-closets may be permitted to do so on making written application to the Council, and intimating the arrangements to be made for their construction and management, and providing a plan of an

approved shape, not exceeding 16in. high by 16in. across the top and 14in. across the bottom, and with handles on each side. No person shall be at liberty to use on his own premises night-soil collected thereupon; but permission for its use may be granted on application in writing to the Council, should the owner or occupier of the premises have sufficient area of land for its proper and sufficient disposal. Such permission may be granted on the approval of the Inspector of Nuisances. Any person or persons committing a breach of this By-law shall forfeit and pay a penalty not exceeding £5 nor less than £2.

184. The Inspector of Nuisances or other officer appointed by the Council may visit and inspect any premises, or do any work authorised by the Nuisances Prevention Act, 1875, therein, on all days except Sundays and holidays; and any person who shall hinder or obstruct any Inspector of Nuisances or other officer as aforesaid upon any other such visitation or inspection, or in the doing or performing of any work, shall forfeit and pay a penalty of not more than two pounds nor less than ten shillings.

185. All expenses incurred by the Council in emptying any cesspit or earth-closet shall be repaid to the Council by the owner or occupant of the premises whereon such cesspit or earth-closet is situated within one week after a written demand of the amount made by the Council or Inspector of Nuisances shall have been served upon him, otherwise the same may be recovered in a summary way.

186. The Inspector of Nuisances shall furnish the Council with a monthly return showing the number of cesspits emptied.

187. The Council shall from time to time fix the charges to be made for emptying cesspits and earth-closets, which shall be emptied as often as may be deemed necessary in the opinion of the Inspector of Nuisances. All such charges shall be paid to the Council Clerk or the officer whom the Council may from time to time appoint by the owner or occupant of the premises whereon such closet is situated. All charges for emptying such cesspits and earth-closets shall be paid in advance, and in default thereof the charges together with any additional charges occasioned by such non-payment may be recovered in a summary way.

188. No person shall hereafter be permitted to have on their premises any open closet or cesspit for the deposit of faecal matter; and any person allowing any such closet or cesspit to remain after receiving twenty-one (21) days' notice to remove the same shall be liable to a penalty not exceeding five pounds nor less than one pound, and shall also be liable to a further penalty of not less than five shillings or more than two pounds for every day that such closet or cesspit shall remain.

Made and passed by the Council of the Municipal District
of Katoomba, this eighteenth day of September, 1890.

This seal was affixed by order of the Council.

(L.S.) ALFRED A. SMITH,

Mayor.

W. F. GOYDER,
Council Clerk.

1890.

NEW SOUTH WALES.

MAITLAND CATTLE DRIVING ACT AMENDMENT ACT, 1880.
(BOROUGH OF EAST MAITLAND—BY-LAW.)

Presented to Parliament, pursuant to Act 43 Vic. No. 20, sec. 2.

Colonial Secretary's Office,
Sydney, 16th October, 1890.

EAST MAITLAND MUNICIPALITY.—BY-LAW.

THE following By-law, made by the Council of the Borough of East Maitland under the "Maitland Cattle Driving Amendment Act, 1880," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BY-LAW of the Borough of East Maitland, for regulating the passage of cattle intended for sale, slaughter, or shipment.

WHEREAS it is expedient that provisions should be made for the purpose of regulating, within the boundaries of the Municipality of East Maitland, the passage of cattle intended for sale, slaughter, or shipment, in accordance with a resolution adopted by the Borough Council of East Maitland, on the 6th day of August, 1890; and in virtue of the power and authority vested in them in that behalf, it is ordered that the following By-law do now take effect, and that they are hereby established for the purposes aforesaid:—

1. That no cattle intended for sale, slaughter, or shipment, or conveyance by rail (except quiet milch cows), shall be driven into or through any part of the Municipality of East Maitland, except between the hours of 2 and 4 of the clock in the afternoon, and between the hours of 5 o'clock in the evening and 7 o'clock in the morning, from the 1st day of April to the 30th day of September inclusive; and between the hours of 2 and 4 of the clock in the afternoon, and between the hours of 6 o'clock in the evening and 6 o'clock in the morning, during the other portion of the year; and the route to be taken by persons driving such cattle through the said Municipality shall be from the bridge over Wallis Creek, at Trappaud Road; thence along the new road resumed by the Government as far as Wallis-street; thence along Wallis-street to Banks-street; thence along Banks-street to Adams-street; thence along Adams-street to Glebe-street; thence along Glebe-street to Flinders-street; thence along Flinders-street to George-street; thence along George-street to Brisbane-

street; thence along Brisbane-street to Victoria-street; thence along Victoria-street to Newcastle-street; and along Newcastle-street to the south-east boundary of the Municipality. Cattle being driven from the north-east or any other part of the said Municipality shall be driven along the route as above described. The route to be taken to and from the Railway Station for the passage of cattle for conveyance by rail or arriving by rail, shall be from Day-street to Rous-street along Williams-street; thence along Rous-street to Banks-street; thence along Banks-street to Wallis-street; thence along Wallis-street to the bridge at Trappaud Road over Wallis Creek; and that no such cattle shall be driven into or through any part of the said Municipality without having one or more persons on horseback in front for the purpose of better controlling and guiding the same; and every person who shall drive, or cause to be driven, any such cattle as aforesaid into or through any part of the said Municipality, at any other hour or by any other route than hereinbefore provided, shall on conviction in a summary way before any two Justices in Petty Sessions forfeit and pay any sum not exceeding twenty shillings for each and every head of cattle so driven.

Passed by the Borough Council of East Maitland, this sixth day of August, in the year of our Lord one thousand eight hundred and ninety.

(L.S.) J. CUNNINGHAM,

P. BOWES,

Mayor.

Council Clerk.

1890.

NEW SOUTH WALES.

NEWCASTLE PAVING AND PUBLIC VEHICLES REGULATION ACT.

(BOROUGH OF NEWCASTLE—BY-LAWS.)

Presented to Parliament pursuant to Act 39 Vic. No. 36 sec. 9.

Colonial Secretary's Office,
Sydney, 20th December, 1889.

BOROUGH OF NEWCASTLE.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Newcastle under the "Newcastle Paving and Public Vehicles Regulation Act," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

BOROUGH OF NEWCASTLE.

Additional Route.

THE Council of the Borough of Newcastle do, by virtue of the authority vested in it by the Newcastle Paving and Public Vehicles Regulation Act, 39 Victoria No. 36, of 1876, hereby make and establish the following regulations, and declare that the following time-table and stand shall be an addition to those at present in force in this City.

Additions to Schedule K.

OMNIBUSES plying to and from the stand in Scott-street to the City boundary in Patrick-street shall start from Scott-street at the hours of 8.30 a.m. and up to and until 10.30 p.m. to Patrick-street.

The return journey shall be made from the southern boundary of the Municipality at Patrick-street to the stand in Scott-street.

The line of route shall be by way of Hunter-street, Darby-street to Patrick-street, up to the southern boundary of the City, returning by the same route and line of roads.

Made and passed by the Council of the Borough of Newcastle, this twelfth day of August, in the year of our Lord one thousand eight hundred and eighty-nine.

EDWARD S. HOLLAND,
Town Clerk.(L.S.) HENRY BUCHANAN,
Mayor.

1890.

NEW SOUTH WALES.

NEWCASTLE PAVING AND PUBLIC VEHICLES REGULATION ACT
AND MUNICIPALITIES ACT OF 1867.

(BOROUGH OF NEWCASTLE—BY-LAWS.)

Presented to Parliament pursuant to Acts 39 Vic. No. 36 sec. 9, and 31 Vic. No. 12 sec. 158.

Colonial Secretary's Office,
Sydney, 20th December, 1889.

BOROUGH OF NEWCASTLE.—BY-LAW.

THE following By-law, made by the Council of the Borough of Newcastle under the "Newcastle Paving and Public Vehicles Regulation Act," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

SCHEDULE K.

ALTERATION to By-law passed 5th July, 1886, and published in Government Gazette No. 667, of 23rd November, 1886.

THE time-table for omnibuses and omnibus cars, &c., plying to and from the stand in Scott-street is hereby amended and made to apply to all vehicles leaving the stand at regular intervals, the drivers of which shall start from the stand in Scott-street and complete their journey to the intersection of Hunter-street West and Darby-street (Tatersall's corner) in seven minutes; and all vehicles returning to the said stand from the time at arriving at Tatersall's corner shall also complete the inward journey to Scott-street Stand in the like time, viz.:—Seven minutes.

Outward vehicles proceeding to Charlton-street, Kenrick or Patrick Street, must, after leaving the intersection of Tatersall's corner, complete the journey at the times set forth in Schedule K of the 5th July, 1886.

Made and passed by the Council of the Borough of Newcastle, this fourteenth day of October, in the year of our Lord one thousand eight hundred and eighty-nine.

EDWARD S. HOLLAND,
Town Clerk.(L.S.) HENRY BUCHANAN,
Mayor.Colonial Secretary's Office,
Sydney, 20th December, 1889.

BOROUGH OF NEWCASTLE.—BY-LAWS.

THE following By-laws, made by the Council of the Borough of Newcastle under the "Municipalities Act of 1867," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the above-cited Act.

HENRY PARKES.

Not to throw handbills, &c., on streets.

1. Every person who shall cast away, throw, or deposit, or cause to be thrown, cast away, or deposited, in or upon any street, lane, footpath, carriage way, or public thoroughfare within the Borough of Newcastle, any handbills, printed papers, waste paper, dodgers, or paper of any kind whatsoever, shall be liable to a penalty not less than five shillings nor more than five pounds.

Regulating travelling advertisements, &c.

2. Every person who shall convey, take, or conduct, or cause to be taken, conveyed, or conducted, by means of vehicles horses, or on foot, or by any means whatsoever, through any street, lane, footpath, carriage way, or public thoroughfare within the City of Newcastle, any frame, apparatus, or contrivance for displaying pictures, placards, notices, or advertisements, calculated by its size, shape, construction, or colour, or by the size, shape, construction, or colour of any pictures, placards, notices, or advertisements displayed thereon, to obstruct, interfere with, or endanger public traffic in the said City, shall be liable to a penalty not less than five shillings nor more than five pounds.

Made and passed by the Council of the Borough of Newcastle, this fourteenth day of October, in the year of our Lord one thousand eight hundred and eighty-nine.

EDWARD S. HOLLAND,
Town Clerk.(L.S.) HENRY BUCHANAN,
Mayor.

1890.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

METROPOLITAN STREET IMPROVEMENTS BILL.

(MESSAGE No. 74.)

Ordered by the Legislative Assembly to be printed, 11 December, 1890.

ALFRED STEPHEN,

Lieutenant-Governor.

Message No. 74.

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with a Bill to authorize and enable the Municipal Council of Sydney to carry out street improvements within the said city upon an equitable system; to acquire lands, and to raise money for carrying out such improvements; to provide for the repayment of the cost of such improvements; to authorize the imposition of street improvement rates; to exchange or sell any portion of a public way and certain superfluous lands in the said city; to make special provision in respect of a projected improvement of Moore-street, in the said city; and for other purposes.

Government House,

Sydney, 11th December, 1890.

1890.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

PROPOSED WIDENING OF MOORE-STREET.

PETITION FROM CHARLES E. PILCHER, CHAIRMAN OF PUBLIC MEETING OF CITIZENS IN FAVOUR OF.)

Received by the Legislative Assembly, 21 October, 1890.

To the Honorable James Henry Young, Speaker, and the Honorable Members of the Legislative Assembly.

This Petition of Citizens of Sydney assembled in Public Meeting at the Town Hall, George-street, Sydney, the sixteenth day of October, one thousand eight hundred and ninety,—

RESPECTFULLY SHOWETH :—

That the following resolution was adopted :—

That this meeting is of opinion that advantage should be taken of the opportunity afforded by the recent destruction by fire of the buildings on the north side of Moore-street to widen that street between Pitt and Castlereagh Streets, and that the Chairman of the Meeting be requested to forward a copy of this resolution, signed by him on behalf of said meeting, to be presented to the Legislative Assembly.

That your Petitioner humbly prays that your Honorable House will be pleased to take the foregoing resolution into your favourable consideration.

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

CHAS. E. PILCHER,
Chairman.

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J. G. B.
2/10/11