

# Sessional Papers

1914.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE

*(EXTRACTED FROM THE MINUTES.)*

WEDNESDAY, 11 MARCH, 1914.

No. 1.

CLOSER SETTLEMENT (AMENDMENT) BILL:—

*(Resolution.)*

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

*Resolved*,—That it is expedient to bring in a Bill to authorise the imposing and to provide for the collecting of a tax on lands within boundaries to be defined; to amend the Closer Settlement Acts, the Closer Settlement Promotion Act, 1910; and for other purposes.

Question put.

Committee divided.

Ayes, 38.

Mr. Stuart-Robertson,	Mr. Dooley,
Mr. Treflé,	Mr. Grahame,
Mr. Cann,	Mr. Lang,
Mr. Estell,	Mr. Burgess,
Mr. McGirr,	Mr. Keegan,
Mr. Hoyle,	Mr. Gardiner,
Mr. Ashford,	Mr. Gus. Miller,
Mr. Carmichael,	Mr. John Storey,
Mr. Black,	Mr. Larkin,
Mr. Wright,	Mr. Fingleton,
Mr. T. S. Crawford,	Mr. Bagnall,
Mr. Griffith,	Captain Toombs,
Mr. G. R. W. McDonald,	Mr. Hickey,
Mr. Edden,	Mr. Mercer,
Mr. Boston,	Mr. Cusack,
Mr. Page,	Mr. McGarry.
Mr. Durack,	<i>Tellers,</i>
Mr. Dunn,	Mr. Osborne,
Mr. McGowen,	Mr. Morrish.
Mr. Kearsley,	

Noes, 30.

Mr. David Storey,	Mr. Fallick,
Mr. Cocks,	Mr. Latimer,
Mr. Cohen,	Mr. M. Abbott,
Mr. Perry,	Mr. Harry Morton,
Mr. Wade,	Mr. Briner,
Dr. Arthur,	Mr. Thompson,
Mr. Levy,	Mr. Richards,
Mr. McFarlane,	Mr. Colquhoun.
Colonel Onslow,	<i>Tellers,</i>
Mr. Waddell,	Mr. Ball,
Mr. Henley,	Mr. Robson.
Lt.-Col. Nicholson,	
Mr. Moxham,	
Mr. Brinsley Hall,	
Mr. W. Millard,	
Mr. Nesbitt,	
Mr. W. Brown,	
Lieut.-Col. Braund,	
Mr. Crane,	
Mr. Hoskins,	

*Agreed to.*

On motion of Mr. Treflé, the Chairman left the Chair to report that the Committee had come to a resolution.

W. S. MOWLE,  
Clerk Assistant.



1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

## No. 2.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 18 MARCH, 1914.

No. 1.

DACEYVILLE EXTENSION BILL:—

(Resolution.)

Mr. Cann moved, That the Committee agree to the following Resolution;—

*Resolved*,—That it is expedient to bring in a Bill to sanction laying out an area of land and erecting thereon certain dwelling-houses under the provisions of the Housing Act, 1912; and for purposes consequent thereon or incidental thereto.

Question put.

Committee divided.

Ayes, 31.

Mr. Carmichael,	Mr. Estell,
Mr. Griffith,	Mr. Dooley,
Mr. Cann,	Mr. Gus. Miller,
Mr. Holman,	Mr. Gardiner,
Mr. Hoyle,	Mr. Mercer,
Mr. Hickey,	Mr. John Storey,
Mr. Fingleton,	Captain Toombs,
Mr. D. E. Hall,	Mr. Larkin,
Mr. Thomas Brown,	Mr. Lang,
Mr. Boston,	Mr. T. S. Crawford,
Mr. Keansley,	Mr. Fern,
Mr. Dunn,	Mr. Grahame.
Mr. Page,	<i>Tellers,</i>
Mr. Wright,	
Mr. Stuart-Robertson,	Mr. Osborne,
Mr. Cusack,	Mr. Durack.
Mr. G. R. W. McDonald,	

Noes, 23.

Mr. Fallick,	Mr. Crane,
Mr. Cohen,	Lt.-Col. Nicholson,
Mr. James,	Mr. W. Brown,
Mr. Wade,	Mr. Brinsley Hall.
Mr. McFarlane,	<i>Tellers,</i>
Mr. M. Abbott,	
Mr. Waddell,	Mr. Levy,
Lieut.-Col. Braund,	Mr. J. C. L. Fitzpatrick.
Mr. W. Millard,	
Mr. Nesbitt,	
Mr. Lee,	
Mr. Badgery,	
Colonel Onslow,	
Mr. Thomas,	
Mr. Ball,	
Mr. Colquhoun,	
Mr. Chaffey,	

Agreed to.

On motion of Mr. Cann, the Chairman left the Chair to report that the Committee had come to a resolution.

W. S. MOWLE,  
Clerk Assistant.

[3d.]

90113

77—



1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 3.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 25 MARCH, 1914.

No. 1.

INCOME TAX.—WAYS AND MEANS.

(Resolution.)

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

(2.) *Resolved*,—That towards raising the Supply to be granted to His Majesty, there shall be charged, levied, collected, and paid income tax for the year 1913 and for any subsequent year as follows :—

(a) One shilling in the pound on the amount of the taxable income of any "company."

(b) Where the taxable income of a person other than a company does not exceed £700,—eightpence in the pound on the amount of such taxable income, and an addition of one-third of eightpence on such of the income as is derived from the produce of property.

(c) Where such taxable income exceeds £700 the tax shall be as follows :—

Amount of taxable income.	Amount of tax per pound of income.
So much of the income as does not exceed seven hundred pounds.	Eightpence, and an addition of one-third of eightpence, on such of the income as is derived from the produce of property.
So much of the income as exceeds seven hundred and does not exceed one thousand seven hundred pounds.	Ninepence, and an addition of one-third of ninepence, on such of the income as is derived from the produce of property.
So much of the income as exceeds one thousand seven hundred and does not exceed two thousand seven hundred pounds.	Tenpence, and an addition of one-third of tenpence, on such of the income as is derived from the produce of property.
So much of the income as exceeds two thousand seven hundred and does not exceed four thousand seven hundred pounds.	Elevenpence, and an addition of one-third of elevenpence, on such of the income as is derived from the produce of property.
So much of the income as exceeds four thousand seven hundred and does not exceed six thousand seven hundred pounds.	One shilling, and an addition of one-third of one shilling, on such of the income as is derived from the produce of property.
So much of the income as exceeds six thousand seven hundred and does not exceed nine thousand seven hundred pounds.	One shilling and one penny, and an addition of one-third of one shilling and one penny, on such of the income as is derived from the produce of property.
So much of the income as exceeds nine thousand seven hundred pounds.	One shilling and twopence, and an addition of one-third of one shilling and twopence, on such of the income as is derived from the produce of property.

Motion made (*Mr. Wade*) to insert in line 4 after the word "company" the words "except "co-operative creamery, butter, or farm produce companies."

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

Committee divided.

Ayes, 30.

Mr. Mark F. Morton,	Mr. Ball,
Lieut.-Col. Nicholson,	Mr. Waddell,
Mr. Latimer,	Mr. Price,
Mr. McFarlane,	Mr. Crane,
Mr. Hoskins,	Mr. Moxham,
Mr. Brinsley Hall,	Mr. Colquhoun,
Mr. Richards,	Mr. Hunt,
Mr. Cohen,	Mr. W. Millard,
Mr. W. Brown,	Colonel Onslow,
Mr. Robson,	Mr. Fallick,
Mr. Nesbitt,	<i>Tellers,</i>
Mr. Thompson,	Lieut.-Col. Braund,
Mr. Badgery,	Mr. M. Abbott.
Mr. James,	
Mr. Wade,	
Mr. J. C. L. Fitzpatrick,	
Mr. Grimm,	
Mr. Levy,	

Noes, 34.

Mr. Griffith,	Mr. Durack,
Mr. Hoyle,	Mr. McGirr,
Mr. Estell,	Mr. Stuart-Robertson,
Mr. Lung,	Mr. Cusack,
Mr. Boston,	Mr. Wright,
Mr. Kearsley,	Mr. Hickey,
Mr. Carmichael,	Mr. Keegan,
Mr. Cann,	Mr. Mercer,
Mr. Osborne,	Mr. G. R. W. McDonald,
Mr. Fingleton,	Mr. McGarry,
Mr. Grahame,	Mr. Gardiner,
Captain Toombs,	Mr. Nicholson,
Mr. Minahan,	Mr. Gus. Miller.
Mr. Thomas Brown,	<i>Tellers,</i>
Mr. T. S. Crawford,	Mr. Black,
Mr. Morrish,	Mr. Bagnall.
Mr. Dooley,	
Mr. Burgess,	

*Insertion of proposed words negatived.*

No. 2.

*Same Resolution.*

Question put,—That the Committee agree to the Resolution,—

Committee divided.

Ayes, 35

Mr. Hickey,	Mr. Wright,
Mr. Hoyle,	Mr. Mercer,
Mr. Carmichael,	Mr. Cusack,
Mr. Cann,	Mr. Morrish,
Mr. Black,	Mr. Kearsley,
Captain Toombs,	Mr. McGarry,
Mr. Bagnall,	Mr. Thomas Brown,
Mr. Keegan,	Mr. G. R. W. McDonald,
Mr. Boston,	Mr. Gardiner,
Mr. Fingleton,	Mr. Stuart-Robertson,
Mr. Lang,	Mr. Minahan,
Mr. Estell,	Mr. Nicholson,
Mr. Osborne,	Mr. Gus. Miller,
Mr. Grahame,	Mr. Larkin.
Mr. Durack,	<i>Tellers,</i>
Mr. T. S. Crawford,	Mr. John Storey,
Mr. Burgess,	Mr. Dooley.
Mr. Griffith,	
Mr. McGirr,	

Noes, 30.

Mr. Latimer,	Mr. Nesbitt,
Mr. Wade,	Mr. W. Brown,
Mr. Cohen,	Colonel Onslow,
Mr. James,	Mr. Grimm,
Mr. J. C. L. Fitzpatrick,	Mr. Thompson,
Mr. M. Abbott,	Lieut.-Col. Braund,
Mr. Price,	Mr. Levy,
Mr. Robson,	Lieut.-Col. Nicholson,
Mr. Waddell,	Mr. Crane.
Mr. Richards,	<i>Tellers,</i>
Mr. Moxham,	Mr. Mark F. Morton,
Mr. Badgery,	Mr. Ball.
Mr. Fallick,	
Mr. McFarlane,	
Mr. W. Millard,	
Mr. Brinsley Hall,	
Mr. Hoskins,	
Mr. Hunt,	
Mr. Colquhoun,	

*Agreed to.*

On motion of Mr. Hoyle, the Chairman left the Chair to report progress and ask leave to sit again at a later hour of the day; also, that the Committee had come to a Resolution.

No. 3.

WAYS AND MEANS—STAMP DUTIES.

(*Resolution.*)

Mr. Hoyle moved, That the Committee agree to the following resolution:—

(3.) *Resolved*,—That towards raising the supply to be granted to His Majesty, there shall be charged, levied, collected, and paid for and in respect of the instruments and matters herein-after mentioned, duties of the several amounts specified.

AGREEMENTS.—Any contract or agreement under seal, or under hand only for the sale of any equitable estate or interest in any property whatsoever, or for the sale or exchange of any estate or interest in any property except goods, wares, or merchandise, or stock, or marketable securities, or any ship or vessel, or part interest, share, or property of or in any ship or vessel, shall be charged with the same ad valorem duty as if it were an actual conveyance of sale of the estate, interest, or property contracted or agreed to be sold.

Where the purchaser has paid the said ad valorem duty and before having obtained a conveyance or transfer of the property enters into a contract or agreement for the sale of the same, the contract or agreement shall be charged, if the consideration for that sale is in excess of the consideration of the original sale, with the ad valorem duty payable in respect of such excess consideration, and in any other case with the fixed duty of one pound or of one shilling as the case may require.

BILL

	£	s.	d.
BILL OF EXCHANGE OR PROMISSORY NOTE not being a draft payable on demand—			
For every £25 and also for every fractional part of £25 ... ..	0	0	6
COMPANY—Memorandum of Association accompanied by Articles of Association ...	1	0	0
Memorandum of Association not accompanied by Articles of Association ...	2	0	0
Articles of Association ... ..	1	0	0
Certificate of Incorporation ... ..	5	0	0

COMPANY.—Share Capital.—A statement of the amount which is to form the nominal share capital of any company to be registered under Part I or Part II of the Companies Act, 1899, and a statement of the amount of any increase of registered capital of any company now registered or to be registered as aforesaid, shall be charged with an ad valorem stamp duty of two shillings for every one hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds of the amount of such capital or increase of capital, as the case may be. Where, by virtue of any letters-patent granted by His Majesty, or by virtue of any Act, the liability of the holders of shares in the capital of any corporation or company is limited otherwise than by registration, with limited liability under the law in that behalf, a statement of the amount of the nominal share capital of the corporation or company or of any increase of such capital shall be charged with an ad valorem stamp duty of two shillings for every one hundred pounds and any fraction of one hundred pounds over every multiple of one hundred pounds of the amount of such capital or increase of capital.

CONTRACT NOTE for or relating to the sale or purchase of any stock or marketable security sent by a broker or agent to his principal.

For each £100, and also for any fractional part of £100 of such value ... 0 0 6

Where a contract note advises the sale or purchase of more than one description of stock or marketable security, the note shall be deemed to be as many contract notes as there are descriptions of stock or marketable securities sold or purchased.

Where a contract note is a continuation or carrying-over note made for the purpose of continuing or carrying over any transaction for the sale or purchase of stock or marketable securities, the contract note, although it is made in respect of both a sale and purchase, shall be charged with duty as if it related to one of those transactions only, and if different rates of duty are chargeable in respect of those transactions, to that one of those transactions which would render the contract note chargeable at the highest rate.

CONTRACT under which an option is given or taken to purchase or sell any stock or marketable security at a future time at a certain price—one half of the duty chargeable on a contract note: Provided that, if under the contract a double option is given or taken, the contract shall be deemed to be a separate contract in respect of each option.

CONVEYANCES ON SALE.—Where the consideration or part of the consideration of a conveyance on sale consists of shares or debentures to be issued by a company or a contract to issue such shares or debentures, the face value of the shares or debentures shall be taken as the value of such consideration or part of the consideration.

CONVEYANCE OR TRANSFER by way of partition of any real property.—The same duty on the value of such property and any amount paid or other consideration given for equality as on the amount or value of the consideration for a conveyance or transfer on sale.

	£	s.	d.
DRAFT payable on demand ... ..	0	0	1

LETTER OR POWER OF ATTORNEY or other instrument in the nature of—

- |  |   |   |   |
|--|---|---|---|
| (1) For the sole purpose of appointing or authorising a proxy to vote at any one meeting at which votes may be given by proxy, for each person named in such instrument ... ..   | 0 | 0 | 3 |
| (2) For the receipt of the dividends or interest of any stock—   |   |   |   |
| Where made for the receipt of one payment only ... ..  | 0 | 1 | 0 |
| In any other case ... ..   | 0 | 5 | 0 |
| (3) For the receipt of any sum of money, or any bill of exchange or promissory-note for any sum of money not exceeding £20, or any periodical payments not exceeding the annual sum of £10 (not being hereinbefore charged)... | 0 | 5 | 0 |
| (4) Of any kind whatsoever not hereinbefore described ... ..   | 1 | 0 | 0 |

POLICIES.—The part of the Second Schedule to the Stamp Duties Act, 1898, which fixes the duties on policies for or against loss by fire for any period exceeding six months, is amended by altering the rate of duty from threepence to fourpence in respect of a renewal or continuance of any such policy.

	£	s.	d.
RECEIPT given for or upon the payment of any sum of money amounting to £2 or upwards .. ..	0	0	2

SCRIP CERTIFICATE, SCRIP or other document—

- |   |   |   |   |
|---|---|---|---|
| (1) entitling any person to become the proprietor of any share or part of a share in any company or proposed company ... ..   | 0 | 0 | 6 |
| (2) issued or delivered in New South Wales, and entitling any person to become the proprietor of any share or part of a share in any company or proposed company registered or established or proposed to be registered or established at some place outside New South Wales ... .. | 0 | 0 | 6 |

SETTLEMENT,



SETTLEMENT, DEED OF GIFT, OR VOLUNTARY CONVEYANCE (not being an Ante-nuptial Settlement, or the appointment merely of a New Trustee) of any property or any declaration of trust having the effect of such settlement, deed, or conveyance, ad valorem duty as follows, on the amount or value of such property :—

Amount of value.		Rate per centum of duty.
Not exceeding £1,000	...	$\frac{1}{2}$
Exceeding £1,000 but not exceeding £2,000	...	1
" 2,000 " " 3,000	...	$1\frac{1}{2}$
" 3,000 " " 4,000	...	2
" 4,000 " " 5,000	...	$2\frac{1}{2}$
" 5,000 " " 6,000	...	3
" 6,000 " " 7,000	...	$3\frac{1}{2}$
" 7,000 " " 8,000	...	4
" 8,000 " " 9,000	...	$4\frac{1}{2}$
" 9,000, 5 per centum.		

Question put.

Committee divided.

Ayes, 36.

Mr. Carmichael,	Mr. Hickey,
Mr. Hoyle,	Mr. Stuart-Robertson,
Mr. Estell,	Mr. Wright,
Mr. Black,	Mr. Burgess,
Mr. Cann,	Mr. T. S. Crawford,
Captain Toombs,	Mr. John Storey,
Mr. Kearsley,	Mr. Gardiner,
Mr. Osborne,	Mr. Keegan,
Mr. Thomas Brown,	Mr. Minahan,
Mr. Bagnall,	Mr. Fern,
Mr. Griffith,	Mr. Nicholson,
Mr. Mercer,	Mr. McGarry,
Mr. Lang,	Mr. Cusack,
Mr. Gus. Miller,	Mr. Fingleton,
Mr. Dooley,	Mr. G. K. W. McDonald.
Mr. Grahame,	<i>Tellers,</i>
Mr. Durack,	Mr. McGirr,
Mr. Larkin,	Mr. Morrish.
Mr. Boston,	

Noes, 30.

Mr. Latimer,	Mr. Moxham,
Mr. Fallick,	Lt.-Col. Nicholson,
Mr. Cohen,	Mr. Hunt,
Mr. James,	Mr. Grimm,
Mr. Levy,	Mr. Robson,
Mr. Brinsley Hall,	Mr. Mark F. Morton,
Colonel Onslow,	Mr. Colquhoun,
Mr. Richards,	Mr. Ball,
Mr. Thompson,	Mr. W. Brown.
Mr. Cocks,	<i>Tellers,</i>
Mr. Badgery,	Mr. M. Abbott,
Mr. McFarlane,	Mr. J. C. L. Fitzpatrick.
Mr. Nesbitt,	
Mr. W. Millard,	
Mr. Hoskins,	
Mr. Crane,	
Mr. Waddell,	
Lieut.-Col. Braund,	
Mr. Price,	

*Agreed to.*

No. 4.

WAYS AND MEANS—STAMP DUTIES :—

(Resolution.)

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

(4.) *Resolved*,—That towards raising the supply to be granted to His Majesty there shall be charged, levied, collected, and paid for and in respect of the instruments and matters hereinafter mentioned, duties according to the scale of duties hereinafter specified as follows :—

(1) Such duties, according to the said scale, shall be levied, collected, and charged in respect of—

(a) All estate, whether real or personal, taken under a voluntary disposition by a person purporting to operate as an immediate conveyance or gift *inter vivos*, whether by way of conveyance, transfer, delivery, declaration of trust, or otherwise, which has not been *bona-fide* made three years before the death of such person.

(b) all such estate as to which a person has given a power of appointment, unless it is proved that—

(i) the person to whom the power has been given has received the rents, dividends, interest, or other income of such estate *bona fide* as his own from the date when such power was given ; or

(ii) the said person has exercised such power at least three years before the death of the person who has given the power ;

(c) all such estate which a person has, within the three years next preceding his death, transferred to, or vested in, or caused to be transferred to or vested in a private company or some person in trust for any such company.

(d) All real estate (including chattels real) passing under a deed of gift or voluntary conveyance, whenever made by any person of which *bona fide* possession and enjoyment has not been assumed by the donee or person to whom such conveyance has been made immediately upon the gift or conveyance, and thenceforth retained to the entire exclusion of the donor or the maker of the conveyance or of any benefit to him of whatsoever kind or in any way whatsoever.

(2) Where under Part III of the Stamp Duties Act, 1898, as amended by Part III of the Stamp Duties (Amendment) Act, 1904, or under the Companies (Death Duties) Act, 1901, duties are payable or chargeable upon or in respect of the estates of any persons, or are payable or chargeable upon or in respect of any estates the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift, such duties shall be levied, collected, and paid, charged, and chargeable according to the said scale of duties.

(3.)

(3) The rate per centum at which duty shall be payable and chargeable on the estate of any person dying or on any estate the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment or gift made or caused to be made by the said person shall be uniform.

(4) For the purpose of determining such rate, such estates shall be aggregated, and such rate shall be the rate prescribed by the said scale of duties in respect of an estate whose value is the total value of the estates so aggregated.

(5) Such scale of duties is as follows:—

Value of Estate.								Rate per centum of duty.	
Exceeding £1,000 but not exceeding	£5,000	...	...	...	...	...	...	...	2
"	5,000	"	"	6,000	...	...	...	...	2½
"	6,000	"	"	7,000	...	...	...	...	3
"	7,000	"	"	8,000	...	...	...	...	3½
"	8,000	"	"	9,000	...	...	...	...	4
"	9,000	"	"	10,000	...	...	...	...	4½
"	10,000	"	"	12,000	...	...	...	...	5
"	12,000	"	"	14,000	...	...	...	...	5½
"	14,000	"	"	16,000	...	...	...	...	6
"	16,000	"	"	18,000	...	...	...	...	6½
"	18,000	"	"	20,000	...	...	...	...	6¾
"	20,000	"	"	25,000	...	...	...	...	7
"	25,000,	7 per centum, together with an additional percentage of one-third of one per centum for every £5,000 or part of £5,000 in excess of the sum of £25,000, but so that the percentage shall not exceed 15 per centum.							

Question put.

Committee divided.

Ayes, 35.

Mr. Carmichael,	Mr. G. R. W. McDonald,
Mr. McGirr,	Mr. T. S. Crawford,
Mr. Gus. Miller,	Mr. Gardiner,
Mr. Hoyle,	Mr. Keegan,
Mr. Estell,	Mr. Minahan,
Mr. Black,	Mr. Fern,
Mr. Cann,	Mr. Nicholson,
Captain Toombs,	Mr. Bagnall,
Mr. Kearsley,	Mr. Osborne,
Mr. Wright,	Mr. Lang,
Mr. Larkin,	Mr. Dooley,
Mr. Durack,	Mr. John Storey,
Mr. Morrish,	Mr. Mercer,
Mr. Boston,	Mr. Grahame.
Mr. Hickey,	<i>Tellers,</i>
Mr. Stuart-Robertson,	
Mr. Cusack,	Mr. Thomas Brown,
Mr. Fingleton,	Mr. McGarry.
Mr. Burgess,	

Noes, 30.

Mr. Latimer,	Mr. Crane,
Mr. Fallick,	Mr. Hoskins,
Mr. Cohen,	Mr. W. Millard,
Mr. James,	Mr. Nesbitt,
Mr. Levy,	Mr. McFarlane,
Mr. J. C. L. Fitzpatrick,	Mr. Badgery,
Mr. M. Abbot,	Mr. Cocks,
Mr. Brinsley Hall,	Mr. Thompson,
Mr. Price,	Mr. Richards.
Mr. Colquhoun,	<i>Tellers,</i>
Mr. Mark F. Morton,	
Colonel Onslow,	Mr. Hunt,
Mr. Grimm,	Lieut.-Col. Nicholson.
Mr. W. Brown,	
Mr. Ball,	
Mr. Moxham,	
Lieut.-Col. Braund,	
Mr. Robson,	
Mr. Waddell,	

Agreed to.

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

W. S. MOWLE,  
Clerk Assistant.



1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

## No. 4.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

MONDAY, 30 MARCH, 1914.

No. 1.

SAVINGS BANKS AMALGAMATION BILL (*Further considered*).

Clause 2 having been agreed to.

*Dissolution of Savings Bank of New South Wales.*

Clause 3. The body corporate of the Savings Bank of New South Wales is dissolved.

The Savings Bank of New South Wales Act, 1902, and the Savings Bank of New South Wales (Amendment) Act, 1902, are repealed. [*Read.*]Dissolution of  
Savings Bank of  
New South  
Wales.  
Repeal.

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

Committee divided.

Ayes, 38.

Mr. Hoyle,	Mr. Durack,
Mr. Treflé,	Mr. McGirr,
Mr. Ashford,	Mr. Peters,
Mr. Cann,	Mr. Harry Morton,
Mr. John Storey,	Mr. Fingleton,
Mr. Estell,	Mr. Gardiner,
Mr. Bagnall,	Mr. Morrish,
Mr. Grahame,	Mr. Larkin,
Mr. Crane,	Mr. Nicholson,
Captain Toombs,	Mr. Lang,
Mr. McGowen,	Mr. Dooley,
Mr. Osborne,	Mr. Cusack,
Mr. T. S. Crawford,	Mr. Briner,
Lieut.-Col. Nicholson,	Mr. McGarry,
Mr. Mercer,	Mr. Hunt.
Mr. Gus. Miller,	<i>Tellers,</i>
Mr. Wright,	Mr. Thomas Brown,
Mr. Hickey,	Mr. Black.
Mr. Dunn,	
Mr. Kearsley,	
Mr. Burgess,	

Noes, 19.

Mr. Brinsley Hall,
Mr. Fallick,
Mr. Thomas,
Dr. Arthur,
Mr. Moxham,
Mr. James,
Mr. Nesbitt,
Mr. Thompson,
Mr. Badgery,
Lieut.-Col. Braund,
Mr. Hoskins,
Colonel Onslow,
Mr. McFarlane,
Mr. William Brown,
Mr. Waddell,
Mr. Robson,
Mr. Chaffey.
<i>Tellers,</i>
Mr. Levy,
Mr. J. C. L. Fitzpatrick.

*Agreed to.*

And the remaining clauses having been agreed to.

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

THURSDAY, 2 APRIL, 1914.

No. 2.

CLOSER SETTLEMENT (AMENDMENT) BILL (No. 2) (*Further considered*):—  
 Clauses 11 to 16 having been dealt with,—

*Amendment of the Closer Settlement Act, 1904.*

Clause 17. The following amendments are made in the Closer Settlement Act, 1904:—

Section four—The definition of "Design plan" is omitted.

Section twenty-nine, subsection (b)—The words "improvement, cultivation, or  
 "otherwise" are substituted for the words "improvements and cultivation."

After the words "village or town" the words "and for that purpose the village or  
 "town need not have been proclaimed or notified as such" are inserted.

Section thirty-one—The following is added at the end of the section:—"No mortgagee  
 acting under the power of the mortgage and no execution creditor under the process  
 of any court shall submit for sale by public auction any settlement purchase with-  
 out first having obtained the written consent of the Minister thereto."

Section thirty-eight—"Minister" is substituted for "Governor"

Section fifty-three—The words "one month" are substituted for the words "fourteen  
 "days" wherever occurring. [*Read.*]

Motion made (*Mr. McFarlane*) to leave out from lines 5 and 6 the words "and for that purpose  
 "the village or town need not have been proclaimed or notified as such" and insert the  
 words "a reasonable distance of his holding,"—instead thereof.

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

Committee divided.

Ayes, 31.

Mr. Hoyle,	Mr. Keegan,
Mr. Estell,	Mr. Minahan,
Mr. Trefé,	Mr. Nicholson,
Mr. Cann,	Mr. Morrish,
Mr. Wright,	Mr. Gus. Miller,
Mr. McGarry,	Mr. Boston,
Mr. Grahame,	Mr. Lang,
Mr. Thomas Brown,	Mr. Larkin,
Mr. McGowen,	Mr. John Storey,
Mr. Fingleton,	Captain Toombs,
Mr. Durack,	Mr. Mercer,
Mr. Stuart-Robertson,	Mr. Gardiner.
Mr. Peters,	<i>Tellers,</i>
Mr. Bagnall,	
Mr. Osborne,	Mr. Burgess,
Mr. Dooley,	Mr. Dunn.
Mr. T. S. Crawford,	

Noes, 23.

Mr. Thomas,	Mr. Badgery,
Mr. Cohen,	Mr. Fallick,
Mr. M. Abbott,	Mr. Hunt,
Mr. J. C. L. Fitzpatrick,	Mr. Lec.
Mr. McFarlane,	<i>Tellers,</i>
Mr. William Brown,	
Mr. Colquhoun,	Mr. Harry Morton,
Mr. Crane,	Mr. Ball.
Mr. Nesbitt,	
Mr. Thompson,	
Mr. Briner,	
Mr. Chaffey,	
Colonel Onslow,	
Mr. Mark F. Morton,	
Mr. Hoskins,	
Lt.-Col. Braund,	
Mr. W. Millard,	

*Words stand.*

And the clause having been amended, as indicated,—

*Clause, as amended, agreed to.*

And the remaining Clauses and the Schedule having been agreed to,—

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

No. 3.

Industrial Arbitration Act, 1912—Amendment of Schedule One.

Mr. Estell moved, That the Committee agree to the following Resolutions:—

(1.) That, in accordance with the terms of section 16 (1) of the Industrial Arbitration Act, 1912, there be now added to the industries and callings mentioned in the second column of Schedule One of the said Act (as extended on the fourth day of December, 1912, by resolutions of Parliament) certain industries and callings as follows:—

Industries and Callings.	Place where added.
Stone-machinists and all other employees engaged in the preparation of stone for use in the erection of buildings.	After the word "tilelayers" in the Building Trades group of industries.
Brushers, folders, and examiners	After the word "pressers" in the Clothing Trades group of industries.
Employees in box and case factories, and sawyers wherever employed.	After the words "box and case makers" in the Furniture Trades group of industries.
Assistants and attendants in the Microbiological and other public bureaux of scientific investigation and research; nurses, attendants, and other employees in industrial homes, hospitals for the infirm, for the sick, and for the insane; health and sanitary "inspectors."	After the words "Government dredges" in the Government Employees group of industries.

Industries

Industries and Callings.	Place where added.
Clerks ... ..	Before the words "professional musicians" in the professional and shop workers group of industries.
Marine motor drivers and coxswains ... ..	After the words "marine engineers" in the Shipping group of industries.
Drivers and buggy boys employed in connection with the use of light vehicles for commercial purposes.	After the words "livery-stable employes" in the Miscellaneous group of industries.
All persons engaged in or in connection with the manufacture and repair of rubber goods.	After the words "or any other shale products" in the Manufacturing (No. 1) group of industries.

(2.) That the foregoing Resolution be transmitted to the Legislative Council for its concurrence.

And the first resolution having been amended, as indicated,—

Motion made (*Mr. Minahan*) to insert in line 15 after the word "inspectors" the words "public school teachers"

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

Committee divided.

Ayes, 17.	Noes, 44.
Mr. Bagnall,	Mr. Perry,
Mr. Keegan,	Mr. M. Abbott,
Mr. Black,	Mr. Mark F. Morton,
Mr. Minahan,	Mr. Cohen,
Mr. Morrish,	Mr. J. C. L. Fitzpatrick,
Mr. Durack,	Mr. Levy,
Mr. Fingleton,	Mr. Crane,
Captain Toombs,	Mr. McFarlane,
Mr. Dooley,	Mr. Hoskins,
Mr. Lang,	Lieut.-Col. Braund,
Mr. Mercer,	Mr. Harry Morton,
Mr. Nicholson,	Mr. Cunn,
Mr. T. S. Crawford,	Mr. Treflé,
Mr. Gus. Miller,	Mr. Hoyle,
Mr. Larkin.	Mr. Estell,
<i>Tellers,</i>	Mr. McGowen,
Mr. Dunn,	Mr. Henley,
Mr. Gardiner.	Mr. Edden,
	Mr. Boston,
	Mr. Grahame,
	Mr. Chaffey,
	Mr. Stuart-Robertson,
	Mr. John Storey,
	Mr. Briner,
	Mr. Page,
	Mr. McJarry,
	Mr. Robson,
	Mr. Richards,
	Mr. Thompson,
	Mr. Colquhoun,
	Lt.-Col. Nicholson,
	Mr. Ball,
	Mr. Waddell,
	Mr. Moxham,
	Mr. Hunt,
	Mr. Nesbitt,
	Mr. Badgery,
	Mr. William Brown,
	Mr. W. Millard,
	Mr. Lee,
	Mr. David Storey,
	Mr. Fallick.
	<i>Tellers,</i>
	Mr. Burgess,
	Mr. Thomas.

*Insertion of proposed words negatived.*

*Resolution, as amended, agreed to.*

On motion of Mr. Estell, the Chairman left the Chair to report that the Committee had agreed to the resolutions with an amendment.

FRIDAY, 3 APRIL, 1914, a.m.

No. 4.

STAMP DUTIES (AMENDMENT) BILL (No. 2.)

Clauses 1 to 6 having been agreed to.

Clause 7. (1) The following new section is inserted next after section nine of the Principal Act:—

9A. Except where express provision to the contrary is made—

- (a) an instrument containing or relating to several distinct matters is to be separately and distinctly charged as if it were a separate instrument with duty in respect of each of the matters; Instrument to be charged with separate duty. *Ibid.* s. 4.
- (b) an instrument made for any consideration in respect whereof it is chargeable with ad valorem duty, and also for any further or other valuable consideration or considerations is to be separately and distinctly charged as if it were a separate instrument with duty in respect of each of the considerations.

(2) The following new subsection is added to section fifteen of the Principal Act:—

In proceedings in any court secondary evidence of a document may, saving all just exceptions on other grounds, be admitted notwithstanding that such document is subject to stamp duty and has not been duly stamped, if the amount of the stamp duty or the amount of the deficiency of the stamp duty and any fine imposed by this Act are paid to an officer of the court. [*Read.*]

Amendment of s. 15. Secondary evidence of unstamped documents.

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

Committee

Committee divided.

Ayes, 32.

Mr. Estell,	Mr. Minahan,
Mr. Treflé,	Mr. Thomas Brown,
Mr. Ashford,	Mr. Morrish,
Mr. Boyle,	Mr. Durack,
Mr. G. R. W. McDonald,	Mr. Dunn,
Mr. Cann,	Captain Toombs,
Mr. Gardiner,	Mr. Grahame,
Mr. T. S. Crawford,	Mr. Dooley,
Mr. Black,	Mr. Burgess,
Mr. Boston,	Mr. Keegan,
Mr. Hickey,	Mr. Nicholson,
Mr. Larkin,	Mr. Gus. Miller,
Mr. McGowan,	Mr. McGarry.
Mr. Fingleton,	<i>Tellers,</i>
Mr. Osborne,	Mr. Lang,
Mr. Bagnall,	Mr. Peters.
Mr. Fern,	

Noes, 25.

Mr. James,	Mr. Crane,
Mr. Wade,	Mr. McFarlane,
Mr. Chatley,	Mr. W. Millard,
Lieut.-Col. Braund,	Colonel Onslow,
Mr. Levy,	Mr. Richards,
Mr. Cohen,	Mr. Harry Morton.
Mr. J. C. L. Fitzpatrick	<i>Tellers,</i>
Mr. Robson,	Mr. Hunt,
Mr. Colquhoun,	Mr. Ball.
Mr. M. Abbott,	
Mr. Fallick,	
Mr. Thompson,	
Mr. William Brown,	
Mr. Badgery,	
Mr. Hoskins,	
Mr. Nesbitt,	
Lieut.-Col. Nicholson,	

Agreed to.

No. 5.

SAME BILL.

*Agreements.*

Clause 8. (1) Any contract or agreement under seal, or under hand only, for the sale of any equitable estate or interest in any property whatsoever, or for the sale or exchange of any estate or interest in any property except goods, wares, or merchandise, or stock, or marketable securities, or any ship or vessel, or part interest, share, or property of or in any ship or vessel, shall be charged with the same ad valorem duty, to be paid by the purchaser, as if it were an actual conveyance on sale of the estate, interest, or property contracted or agreed to be sold.

(2) Where the purchaser has paid the said ad valorem duty and before having obtained a conveyance or transfer of the property, enters into a contract or agreement for the sale of the same, the contract or agreement shall be charged, if the consideration for that sale is in excess of the consideration of the original sale, with the ad valorem duty payable in respect of such excess consideration, and in any other case with the fixed duty of one pound or of one shilling as the case may require.

(3) Where duty has been duly paid in conformity with the foregoing provisions, the conveyance or transfer made to the purchaser or sub-purchaser, or any other person on his behalf or by his direction, shall not be chargeable with ad valorem duty, and the Commissioner, upon application, and upon payment of a fixed duty of one pound, and upon production of the contract or agreement, or contracts or agreements, duly stamped, shall mark the conveyance or transfer as sufficiently stamped.

(4) Provided that where any such contract or agreement is stamped with the fixed duty of one pound or of one shilling, as the case may require, the contract or agreement shall be regarded as duly stamped for the mere purpose of proceedings to enforce specific performance or enforce damages for the breach thereof:

(5) Provided also that where any such contract or agreement is stamped with the said fixed duty, and a conveyance or transfer made in conformity with the contract or agreement is presented to the Commissioner for stamping with the ad valorem duty chargeable thereon, and a fixed duty of one pound is paid on the conveyance or transfer within the period of six months after the first execution of the contract or agreement, or within such longer period as the Commissioner may think reasonable in the circumstances of the case, the conveyance or transfer shall be stamped accordingly, and the same, and the said contract or agreement, shall be deemed to be duly stamped. Nothing in this proviso shall alter or affect the provisions as to the stamping of a conveyance or transfer after the execution thereof:

(6) Provided also that the ad valorem duty paid upon any such contract or agreement shall be returned by the Commissioner in case the contract or agreement be afterwards rescinded or annulled, or for any other reason be not substantially performed or carried into effect, so as to operate as or be followed by a conveyance or transfer.

(7) Section fourteen of the Stamp Duties (Amendment) Act, 1904, is repealed.

Schedule One to the same Act is amended by omitting the words "Contract or agreement to sell, exchange, or transfer any gold-mining or mineral claim or lease or mineral conditional purchase. The same duty on the amount or value of the consideration for the sale, exchange, or transfer, as on the consideration for a conveyance or transfer on sale or exchange of such claim or lease."

Schedule Two to the same Act is amended by omitting "Contract or agreement to sell or transfer a claim or lease," and inserting, in lieu thereof, the words "Contract or agreement for the sale or exchange of any estate or interest in any property." [*Read.*]

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

Committee

Certain contracts to be chargeable as conveyances on sale.

See *Ibid.* s. 59.  
The Revenue Act, 1909, s. 7.

Repeal of s. 14 of Stamp Duties (Amendment) Act, 1904.

Committee divided.

Ayes, 31.

Mr. Estell,	Mr. Dooley,
Mr. Treflé,	Mr. Burgess,
Mr. Ashford,	Mr. Keegan,
Mr. Hoyle,	Mr. Nicholson,
Mr. Cann,	Mr. Gus. Miller,
Mr. Gardiner,	Mr. Minahan,
Mr. T. S. Crawford,	Mr. Bagnall,
Mr. Black,	Mr. Fingleton,
Mr. Boston,	Mr. Osborne,
Mr. Hickey,	Mr. McGowen,
Mr. Larkin,	Mr. Fern,
Mr. Thomas Brown,	Mr. McGarry.
Mr. Dunn,	
Mr. Grahame,	<i>Tellers,</i>
Mr. Peters,	Mr. Durack,
Captain Toombs,	Mr. Morrish.
Mr. Lang,	

Agreed to.

Noes, 25.

Mr. James,	Mr. Ball,
Mr. Wade,	Mr. Hunt,
Mr. Chaffey,	Mr. W. Millard,
Lieut.-Col. Braund,	Colonel Onslow,
Mr. Levy,	Mr. Richards,
Mr. Cohen,	Mr. Harry Morton.
Mr. J. C. L. Fitzpatrick	<i>Tellers,</i>
Mr. Colquhoun,	Mr. M. Abbott,
Mr. Fallick,	Mr. Robson.
Mr. Thompson,	
Mr. William Brown,	
Mr. Badgery,	
Mr. Hoskins,	
Mr. Nesbitt,	
Lt.-Col. Nicholson,	
Mr. Crane,	
Mr. McFarlane,	

No. 6.

SAME BILL.

*Bills of exchange and promissory notes.*

Clause 9. The ad valorem duties upon bills of exchange and promissory notes drawn or made out of New South Wales may be denoted by adhesive stamps; and every holder of any unstamped bill of exchange or promissory note drawn out of New South Wales shall, before he presents it for payment, or indorses, transfers, or in any manner uses, negotiates, or pays the same, cause it to be duly stamped: Adhesive stamps for foreign bills. Act No. 27, 1898, s. 28.

Provided that if, at the time when any such bill or note comes into the hands of any bona-fide holder thereof, there is affixed thereto an adhesive stamp appearing to be duly cancelled, such stamp shall, so far as relates to such holder, be deemed to be duly cancelled, although it may not appear to have been so affixed or cancelled by the proper person:

Provided, also, that if, at the time when any such bill or note comes into the hands of any bona-fide holder thereof, there is affixed thereto an adhesive stamp not duly cancelled, such holder shall forthwith cancel such stamp, and upon his so doing, such bill or note shall be deemed duly stamped, and be as valid and available as if the stamp had been cancelled by the person by whom it was affixed: if he fails so to cancel such stamp he shall be liable to a penalty not exceeding *twenty pounds*. [Read.]

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

Committee divided.

Ayes, 32.

Mr. Estell,	Mr. Lang,
Mr. Treflé,	Captain Toombs,
Mr. Ashford,	Mr. Morrish,
Mr. Durack,	Mr. Dunn,
Mr. Hoyle,	Mr. Grahame,
Mr. Cann,	Mr. Peters,
Mr. Gardiner,	Mr. Gus. Miller,
Mr. T. S. Crawford,	Mr. Nicholson,
Mr. Boston,	Mr. Keegan,
Mr. Hickey,	Mr. Burgess,
Mr. Larkin,	Mr. Dooley,
Mr. G. R. W. McDonald,	Mr. McGarry,
Mr. McGowen,	Mr. Fern.
Mr. Osborne,	<i>Tellers,</i>
Mr. Fingleton,	Mr. Thomas Brown,
Mr. Bagnall,	Mr. Black.
Mr. Minahan,	

Agreed to.

And clause 10 having been agreed to,—

No. 7.

SAME BILL.

Clause 11. (1) "Whosoever" issues, indorses, transfers, uses, negotiates, presents for payment, or pays any bill of exchange or promissory note liable to duty and not duly stamped, shall be liable to a penalty not exceeding *twenty pounds*. Penalties. Act No. 27, 1898, s. 30.

(2.) Whosoever takes or receives from any other person any bill of exchange or promissory note not duly stamped, either in payment, or as a security, or by purchase, or otherwise, without causing the same to be duly stamped within fourteen days after receiving it, shall be liable to a penalty not exceeding *twenty pounds*, and shall not be entitled to recover thereon, or to make the same available for any purpose whatever until the same is duly stamped.

(3.) Provided that no bill of exchange or promissory note shall be liable to duty unless drawn or made after the commencement of this Act. [Read.]

Motion made (*Mr. Robson*) to insert in subclause (1) after the word "Whosoever" the words "after the expiration of one month after the passing of this Act"

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

Committee



Committee divided.

Ayes, 25.

Mr. William Brown,	Colonel Onslow,
Mr. Thompson,	Mr. Richards,
Mr. Wade,	Mr. M. Abbott,
Mr. Levy,	Mr. Harry Morton,
Mr. James,	Mr. Hunt,
Mr. Cohen,	Mr. Ball.
Mr. Robson,	
Lieut.-Colonel Braund,	<i>Tellers,</i>
Mr. Chaffey,	Mr. Badgery,
Mr. Colquhoun,	Mr. J. C. L. Fitzpatrick.
Lt.-Col. Nicholson,	
Mr. Nesbitt,	
Mr. Hoskins,	
Mr. McFarlane,	
Mr. Fallick,	
Mr. Crane,	
Mr. W. Millard,	

Noes, 32.

Mr. Osborne,	Mr. Gardiner,
Mr. Ashford,	Mr. Gus. Miller,
Mr. Estell,	Mr. Nicholson,
Mr. McGowen,	Mr. Fern,
Mr. Treflé,	Mr. McGarry,
Mr. Black,	Mr. Burgess,
Mr. Thomas Brown,	Mr. Dooley,
Mr. Hoyle,	Mr. G. R. W. McDonald,
Mr. Cann,	Mr. Larkin,
Mr. Minahan,	Mr. T. S. Crawford,
Mr. Dunn,	Mr. Boston,
Mr. Bagnall,	Mr. Keegan,
Mr. Tang,	Mr. Durack.
Mr. Morrish,	
Mr. Grahame,	<i>Tellers,</i>
Mr. Peters,	Mr. Hickey,
Mr. Fingleton,	Captain Toombs.

*Insertion of proposed words negatived.*

*Clause as read agreed to.*

And clauses 12, 13, and 14 having been agreed to,—

No. 8.

SAME BILL.

*Company: Share capital.*

Clause 15. (1) A statement of the amount which is to form the nominal share capital of any company to be registered under Part I or Part II of the Companies Act, 1899, shall be delivered to the Registrar-General, and a statement of the amount of any increase of registered capital of any company now registered or to be registered as aforesaid shall be delivered to the Registrar-General, and every such statement shall before delivery as aforesaid be charged with an ad valorem stamp duty of two shillings for every one hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds of the amount of such capital or increase of capital, as the case may be.

(2) Such statement of the amount of any increase of registered capital shall be delivered, duly stamped, with the duty charged thereon within fifteen days after passing of the resolution by which the registered capital is increased, and in default of that delivery, the duty, with interest thereon, at the rate of five per centum per annum from the passing of the resolution, shall be a debt to His Majesty, recoverable from the company. [*Read.*]

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

Committee divided.

Ayes, 31.

Mr. Ashford,	Mr. Burgess,
Mr. Hoyle,	Mr. Morrish,
Mr. T. S. Crawford,	Mr. Dooley,
Mr. Estell,	Mr. McGarry,
Mr. Cann,	Mr. Thomas Brown,
Mr. Treflé,	Mr. Durack,
Mr. Bagnall,	Mr. Larkin,
Mr. G. R. W. McDonald,	Mr. Dunn,
Mr. McGowen,	Mr. Peters,
Mr. Black,	Mr. Fingleton,
Mr. Osborne,	Mr. Grahame,
Mr. Minahan,	Mr. Tang.
Mr. Gus. Miller,	
Captain Toombs,	<i>Tellers,</i>
Mr. Gardiner,	Mr. Hickey,
Mr. Nicholson,	Mr. Boston.
Mr. Keegan,	

Noes, 25.

Mr. James,	Mr. Crane,
Mr. Wade,	Mr. Nesbitt,
Mr. Chaffey,	Mr. Hoskins,
Mr. Levy,	Mr. Badgery,
Mr. J. C. L. Fitzpatrick,	Mr. Fallick,
Mr. M. Abbott,	Mr. Thompson.
Mr. Cohen,	
Mr. McFarlane,	<i>Tellers,</i>
Mr. Colquhoun,	Mr. Hunt,
Lieut.-Col. Braund,	Lieut.-Col. Nicholson.
Mr. Richards,	
Mr. Harry Morton,	
Mr. Cocks,	
Colonel Onslow,	
Mr. William Brown,	
Mr. Ball,	
Mr. Robson,	

*Agreed to.*

No. 9.

SAME BILL.

Clause 16. (1) Where, by virtue of any letters-patent granted by His Majesty, or by virtue of any Act, the liability of the holders of shares in the capital of any corporation or company is limited otherwise than by registration, with limited liability under the law in that behalf, a statement of the amount of the nominal share capital of the corporation or company shall be delivered by the corporation or company to the Commissioner within one month after the date of the letters-patent or the passing of the Act; and in case of any increase of the amount of nominal share capital of any corporation or company, whether now existing or to be hereafter formed, being authorised by any letters-patent or Act, a statement of the amount of such increase shall be delivered by the corporation or company to the Commissioner within the like period.

(2) The statement shall be charged with an ad valorem stamp duty of two shillings for every one hundred pounds and any fraction of one hundred pounds over every multiple of one hundred pounds of the amount of such capital or increase of capital, as the case may be, and shall be duly stamped accordingly.

(3)

Charge of duty on capital of limited liability companies.

54 and 55 Vic. c. 39, s. 112.

Revenue Act, 1903, s. 5.

Duty on capital of companies with limited liability otherwise than under the Companies Act. *Ibid.* s. 113.

(3) In the case of neglect to deliver such a statement as is hereby required to be delivered, the corporation or company shall be liable to a penalty equal to ten per centum upon the duty payable, and a like penalty for every month, after the first month during which the neglect continues. [Read.]

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

Committee divided.

Ayes, 32.

Mr. McGowen,	Mr. Peters,
Mr. Estell,	Mr. Lang,
Mr. Ashford,	Mr. Grahame,
Mr. T. S. Crawford,	Mr. Osborne,
Mr. Hoyle,	Captain Toombs,
Mr. Cann,	Mr. Boston,
Mr. Treflé,	Mr. Gardiner,
Mr. Bagnall,	Mr. Nicholson,
Mr. G. R. W. McDonald,	Mr. Keegan,
Mr. Hickey,	Mr. Burgess,
Mr. Morrish,	Mr. Dooley,
Mr. Durack,	Mr. Fern,
Mr. Thomas Brown,	Mr. McGarry.
Mr. Black,	
Mr. Larkin,	Tellers,
Mr. Dunn,	Mr. Gus. Miller,
Mr. Fingleton,	Mr. Minahan.

Noes, 25.

Mr. James,	Mr. Hoskins,
Mr. Wade,	Mr. Nesbitt,
Mr. Levy,	Mr. Robson,
Mr. J. C. L. Fitzpatrick,	Mr. Ball,
Mr. M. Abbott,	Lieut.-Col. Nicholson,
Mr. Cohen,	Mr. Hunt.
Mr. McFarlane,	Tellers,
Mr. Colquhoun,	Mr. William Brown,
Lieut.-Col. Braund,	Mr. Crane.
Mr. Chaffey,	
Mr. Cocks,	
Colonel Onslow,	
Mr. Harry Morton,	
Mr. Richards,	
Mr. Thompson,	
Mr. Fallick,	
Mr. Badgery,	

Agreed to.

And clauses 17 and 18 having been agreed to,—

No. 10.

SAME BILL.

Clause 19. (1) Any person who effects a sale or purchase of any stock or marketable security as a broker or agent shall forthwith make and execute a contract note, and transmit the same to his principal, and in default of so doing shall be liable to a penalty not exceeding *twenty* pounds, provided that this provision shall not apply in the case of transactions carried out in the course of their ordinary business relations between brokers or agents who are members of stock exchanges in the Commonwealth of Australia. Penalty for not making a stamped note. See *ibid.* s. 78. (1), (2), (3) and (6).

(2) If any person makes or executes any contract note chargeable with duty and not being duly stamped he shall be liable to a penalty not exceeding *twenty* pounds.

(3) No broker, agent, or other person shall have any legal claim to any charge for brokerage, commission, or agency with reference to the sale or purchase of any stock or marketable security mentioned or referred to in any contract note, unless the note is duly stamped.

(4) The duty upon a contract note may be added to the charge for brokerage or agency, and shall be recoverable as part of such charge. [Read.]

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

Committee divided.

Ayes, 32.

Mr. McGowen,	Mr. Thomas Brown,
Mr. Estell,	Mr. Larkin,
Mr. Ashford,	Mr. Gardiner,
Mr. T. S. Crawford,	Mr. Dunn,
Mr. Hoyle,	Mr. Fingleton,
Mr. Cann,	Mr. Peters,
Mr. Treflé,	Mr. Lang,
Mr. Bagnall,	Mr. Dooley,
Mr. Hickey,	Mr. Burgess,
Mr. Morrish,	Mr. Keegan,
Mr. Grahame,	Mr. Nicholson,
Mr. Osborne,	Mr. Black,
Mr. Minahan,	Mr. Fern.
Captain Toombs,	Tellers,
Mr. Boston,	Mr. McGarry,
Mr. Gus. Miller,	Mr. G. R. W. McDonald.
Mr. Durack,	

Noes, 25.

Mr. J. C. L. Fitzpatrick,	Colonel Onslow,
Mr. James,	Mr. Richards,
Mr. Wade,	Mr. Harry Morton,
Mr. M. Abbott,	Mr. Ball,
Mr. Cohen,	Lieut.-Col. Nicholson,
Mr. McFarlane,	Mr. Hunt.
Mr. Colquhoun,	Tellers,
Lieut.-Col. Braund,	Mr. Hoskins,
Mr. Thompson,	Mr. Fallick,
Mr. Badgery,	Mr. Levy.
Mr. Nesbitt,	
Mr. Crane,	
Mr. Robson,	
Mr. William Brown,	
Mr. Chaffey,	
Mr. Cocks,	

Agreed to.

And clause 20 having been agreed to,—

No. 11.

SAME BILL.

*Conveyances on sale.*

Clause 21. Section thirty-five of the Principal Act is amended by adding thereto the following subsection:— Amendment of s. 35 of Principal Act.

(3) "Provided that where such consideration or part of such consideration consists of shares or debentures to be issued by a company or a contract to issue such shares or debentures, the 'face' value of the shares or debentures shall be taken as the value of such consideration or part of the consideration." [Read.]

Motion made (Mr. G. R. W. McDonald) to leave out from line 5 the word "face" and insert the word "market" instead thereof.

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

Committee

Committee divided.

Ayes, 30.

Mr. McGowen,	Mr. Durack,
Mr. Estell,	Mr. Nicholson,
Mr. Ashford,	Mr. Keegan,
Mr. T. S. Crawford,	Mr. Burgess,
Mr. Hoyle,	Mr. Dooley,
Mr. Cann,	Mr. McGarry,
Mr. Treflé,	Mr. Fingleton,
Mr. Bagnall,	Mr. Peters,
Mr. Black,	Mr. Thomas Brown,
Mr. Hickey,	Mr. Gus. Miller,
Mr. Morrish,	Mr. Lang,
Mr. Grahame,	Mr. Larkin.
Mr. Boston,	
Mr. Osborne,	<i>Tellers,</i>
Mr. Minahan,	Mr. Fern,
Captain Toombs,	Mr. Gardiner.

Noes, 27.

Mr. J. C. L. Fitzpatrick,	Mr. William Brown,
Mr. James,	Lieut.-Col. Nicholson,
Mr. Wade,	Mr. Ball,
Mr. Levy,	Mr. G. R. W. McDonald,
Mr. M. Abbott,	Mr. Hunt,
Mr. Cohen,	Mr. Dunn,
Mr. McFarlane,	Mr. Cocks,
Mr. Colquhoun,	Colonel Onslow,
Lieut.-Col. Braund,	Mr. Harry Morton.
Mr. Thompeon,	
Mr. Fallick,	<i>Tellers,</i>
Mr. Badgery,	Mr. Chaffey,
Mr. Hoskins,	Mr. Richards.
Mr. Nesbitt,	
Mr. Crane,	
Mr. Robson,	

*Word stands.*

*Clause, as read, agreed to.*

No. 12.

SAME BILL.

Amendment of  
Second Schedule  
to Principal Act  
No. 27.

Clause 22. (1) The Second Schedule to the Principal Act is amended by inserting at the end of the paragraph stating the duty on a "conveyance or transfer on sale of any property (except such stock and funds as aforesaid)" the following proviso:—

Provided that where such property is a debenture, other than a debenture of the City of Sydney or of a municipality or shire, and such amount or value does not exceed £15, the amount of the duty shall be as follows:—

Where the amount or value of the consideration for the sale does	£	s.	d.
not exceed £5 ... ..	0	0	6
Exceeds £5 and does not exceed £10 ... ..	0	1	0
Exceeds £10 and does not exceed £15 ... ..	0	1	6

(2) The exemptions in the same Schedule are amended by inserting therein an exemption of any transfer or other dealing with stock, debentures, or Treasury bills of the Government of New South Wales. [*Read.*]

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

Committee divided.

Ayes, 32.

Mr. McGowen,	Mr. Keegan,
Mr. Estell,	Mr. Gardiner,
Mr. Ashford,	Mr. Durack,
Mr. T. S. Crawford,	Mr. Fern,
Mr. Cann,	Captain Toombs,
Mr. Treflé,	Mr. Minahan,
Mr. Bagnall,	Mr. Osborne,
Mr. Black,	Mr. Boston,
Mr. Hickey,	Mr. Grahame,
Mr. Morrish,	Mr. Lang,
Mr. Gus. Miller,	Mr. Larkin,
Mr. G. R. W. McDonald,	Mr. Hoyle,
Mr. Dunn,	Mr. McGarry.
Mr. Peters,	
Mr. Fingleton,	<i>Tellers,</i>
Mr. Dooley,	Mr. Thomas Brown,
Mr. Burgess,	Mr. Nicholson.

Noes, 25.

Mr. J. C. L. Fitzpatrick,	Mr. Nesbitt,
Mr. James,	Mr. Hoskins,
Mr. Wade,	Mr. Badgery,
Mr. Levy,	Mr. Fallick,
Mr. M. Abbott,	Mr. Thompson,
Mr. Cohen,	Colonel Onslow.
Mr. McFarlane,	
Mr. Colquhoun,	<i>Tellers,</i>
Lieut.-Col. Braund,	Lieut.-Col. Nicholson,
Mr. Chaffey,	Mr. William Brown.
Mr. Cocks,	
Mr. Richards,	
Mr. Harry Morton,	
Mr. Hunt,	
Mr. Ball,	
Mr. Robson,	
Mr. Crane,	

*Agreed to.*

And clauses 23, 24, and 25 having been agreed to,—

No. 13.

SAME BILL.

*Letters and powers of attorney.*

Clause 26. (1) Every letter or power of attorney for the purpose of appointing a proxy to vote at a meeting, and every voting paper, hereby respectively charged with the duty of threepence, is to specify the day upon which the meeting at which it is intended to be used is to be held, and is to be available only at the meeting so specified, and any adjournment thereof.

(2) The duty of threepence may be denoted by an adhesive stamp, or adhesive stamps, which is or are to be cancelled by the person by whom the instrument is executed, or by the person or persons in whose favour the proxy is made, and a letter or power of attorney or voting paper charged with the duty of threepence is not to be stamped after the execution thereof by any person:

Provided that where the instrument has been executed at some place out of New South Wales it may be stamped after execution thereof at any time before the day upon which the said meeting is to be held and within two months after the instrument is first received in New South Wales. Any adhesive stamps used on any such instrument may be cancelled by any person.

(3)

Provisions as to  
proceeds and  
voting-papers,  
54 and 56 Vic.  
c. 39, s. 80.  
Finance Act  
1907, s. 9.

Finance Act,  
1907, s. 9.

(3) Every person who makes or executes, or votes, or attempts to vote, under or by means of any such letter or power of attorney or voting paper, not being duly stamped, shall be liable to a penalty not exceeding *fifty* pounds, and every vote given or tendered under the authority or by means of the letter or power of attorney or voting-paper shall be void.

(4) If any person presiding at the voting at any meeting allows a vote to be given by <sup>Penalty.</sup> means of a letter or power of attorney, or voting paper which has not been duly stamped, he shall be liable to a penalty not exceeding *twenty* pounds. [*Read.*]

And the clause, having been amended as indicated,—

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

Committee divided.

Ayes, 32.

Mr. McGowen,	Mr. Gus. Miller,
Mr. Ashford,	Mr. G. R. W. McDonald,
Mr. Estell,	Mr. Thomas Brown,
Mr. T. S. Crawford,	Mr. Grahame,
Mr. Hoyle,	Mr. Dunn,
Mr. Cann,	Mr. Larkin,
Mr. Treflé,	Mr. Fingleton,
Mr. Bagnall,	Mr. Dooley,
Mr. Black,	Mr. Burgess,
Mr. Hickey,	Mr. Keegan,
Mr. Morrish,	Mr. Nicholson,
Mr. Boston,	Mr. Gardiner,
Mr. Minahan,	Mr. McGarry.
Mr. Osborne,	<i>Tellers,</i>
Captain Toombs,	Mr. Lang,
Mr. Fern,	Mr. Peters.
Mr. Durack,	

Noes, 25.

Mr. James,	Mr. J. C. L. Fitzpatrick,
Mr. Wade,	Mr. Chaffey,
Mr. Levy,	Mr. Harry Morton,
Mr. M. Abbott,	Mr. Richards,
Mr. Cohen,	Mr. Cocks,
Mr. McFarlane,	Colonel Onslow.
Mr. Colquhoun,	<i>Tellers,</i>
Lieut.-Col. Braund,	Mr. Robson,
Lieut.-Col. Nicholson,	Mr. Crane.
Mr. Nesbitt,	
Mr. Hoskins,	
Mr. Badgery,	
Mr. Fallick,	
Mr. Thompson,	
Mr. William Brown,	
Mr. Ball,	
Mr. Hunt,	

Agreed to.

No. 14.

SAME BILL.

*Receipts.*

Clause 29. (1) The duty upon a receipt may be denoted by an adhesive stamp, which shall be cancelled by the person by whom the receipt is given before he delivers it out of his hands. Duty, how denoted. *Ibid.* s. 46.

(2) Any person who—

(a) gives any receipt liable to duty and not duly stamped; or

(b) refuses to give a receipt duly stamped in any case where a receipt would be liable to duty; or Penalty. *Ibid.* s. 47.

(c) upon a payment to the amount of two pounds or upwards gives a receipt for a sum not amounting to two pounds, or separates or divides the amount paid with intent to evade the duty,

shall be liable to a penalty of not less than *two* pounds nor more than *ten* pounds.

(3) A demand for any such receipt shall not in any way affect the validity of a tender otherwise legal. [*Read.*]

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

Committee divided.

Ayes, 32.

Mr. Grahame,	Mr. Dunn,
Mr. Boston,	Mr. Cann,
Mr. Minahan,	Mr. Treflé,
Mr. Osborne,	Mr. Bagnall,
Mr. Fern,	Mr. McGowen,
Mr. Durack,	Mr. Black,
Mr. Gardiner,	Mr. Hickey,
Captain Toombs,	Mr. Morrish,
Mr. G. R. W. McDonald,	Mr. Gus. Miller,
Mr. Nicholson,	Mr. Thomas Brown,
Mr. Keegan,	Mr. Peters,
Mr. Burgess,	Mr. T. S. Crawford,
Mr. Dooley,	Mr. Lang.
Mr. McGarry,	<i>Tellers,</i>
Mr. Ashford,	Mr. Fingleton,
Mr. Estell,	Mr. Larkin.
Mr. Hoyle,	

Noes, 25.

Mr. James,	Mr. Crane,
Mr. Wade,	Mr. Nesbitt,
Mr. Levy,	Mr. Hoskins,
Mr. Robson,	Mr. Badgery,
Mr. M. Abbott,	Mr. Fallick,
Mr. Cohen,	Mr. Thompson.
Mr. McFarlane,	<i>Tellers,</i>
Mr. Colquhoun,	Mr. Richards,
Lieut.-Col. Braund,	Mr. Harry Morton.
Mr. Chaffey,	
Mr. Cocks,	
Colonel Onslow,	
Mr. J. C. L. Fitzpatrick,	
Mr. Hunt,	
Mr. Ball,	
Mr. William Brown,	
Lieut.-Col. Nicholson,	

Agreed to.

And Clauses 30, 31, 32, and 33 having been agreed to,—



No. 17

## SAME BILL

Clause 35. Subsection two (B) of section forty-nine of the Principal Act is amended—

(a) by omitting the words "by contract or otherwise" and inserting the words "of whatsoever kind and in any way whatsoever," and

(b) by adding at the end of the subsection the following paragraph:—

All real estate (including chattels real) passing under a deed of gift or voluntary conveyance, whenever made by any person dying after the commencement of the Stamp Duties (Amendment) Act, 1914, of which bona fide possession and enjoyment has not been assumed by the donee or person to whom such conveyance has been made immediately upon the gift or conveyance, and thenceforth retained to the entire exclusion of the donor or the maker of the conveyance or of any benefit to him of whatsoever kind or in any way whatsoever.  
[Read.]

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

Committee divided.

Ayes, 31.

Mr. McGowen,	Mr. Minahan,
Mr. Estell,	Mr. Larkin,
Mr. Hoyle,	Mr. Fingleton,
Mr. Cann,	Mr. Peters,
Mr. Treflé,	Mr. T. S. Crawford,
Mr. Durack,	Mr. Lang,
Mr. Gardiner,	Mr. Morrish,
Mr. Hickey,	Mr. Keegan,
Mr. Grahame,	Mr. Dunn,
Mr. Boston,	Mr. Nicholson,
Captain Toombs,	Mr. Fern,
Mr. Bagnall,	Mr. McGarry.
Mr. Osborne,	
Mr. G. H. W. McDonald,	Tellers,
Mr. Ashford,	
Mr. Gus. Miller,	Mr. Burgess,
Mr. Thomas Brown,	Mr. Dooley.

Nocs, 23.

Mr. Levy,	Mr. Chaffey,
Mr. James,	Mr. Crane,
Mr. Wade,	Mr. Richards,
Mr. M. Abbott,	Mr. Harry Morton,
Mr. Robson,	Tellers,
Mr. J. C. L. Fitzpatrick,	
Mr. Cohen,	Mr. Colquhoun,
Mr. McFarlane,	Mr. Ball.
Lt.-Col. Braund,	
Mr. Thompson,	
Mr. Fallick,	
Mr. Badgery,	
Mr. Hoskins,	
Mr. Nesbitt,	
Lt.-Col. Nicholson,	
Mr. Hunt,	
Mr. William Brown,	

Agreed to.

No. 18.

## SAME BILL.

Clause 36. (1) Where under Part III of the Principal Act, as amended by Part III of the Stamp Duties (Amendment) Act, 1904, and by Part III of this Act, or under the Companies (Death Duties) Act, 1901, duties are payable or chargeable upon or in respect of the estates of any persons, or are payable or chargeable upon or in respect of any estates the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift, such duties shall as to the estate of any person dying after the commencement of this Act, and as to any estate the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift, made or caused to be made before or after the commencement of this Act, by any person so dying, be levied, collected, paid, charged and chargeable under the said Acts, according to the duties mentioned in Schedule Two to this Act.

Such duties shall be in lieu of the duties mentioned in the Schedule to the Probate Duties (Amendment) Act, 1899, and in the Second Schedule to the Companies (Death Duties) Act, 1901.

(2) Subject to the provisions hereinafter contained, the rate per centum at which duty shall be payable and chargeable on the estate of any person so dying or on any estate the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment or gift made or caused to be made by the said person shall be uniform.

(3) For the purpose of determining such rate, such estates shall be aggregated, and such rate shall be the rate prescribed by Schedule Two to this Act in respect of an estate whose value is the total value of the estates so aggregated.

(4) Provided that where the value of the estates so aggregated does not exceed ten thousand pounds, the duty shall be calculated at one-half the said rate on any property devolving by the intestacy on, or passing under the will of any such person to his widow or any of his children, and on any property which under any such settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift is for the benefit of such widow or child.

This proviso shall not apply where the person so dying is at the time of his death domiciled at some place outside New South Wales.

(5) The Probate Duties (Amendment) Act, 1899, and sections twenty-three and twenty-four of the Stamp Duties (Amendment) Act, 1904, are repealed as to estates of persons dying after the commencement of this Act, and as to any estate the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift made or caused to be made by any person so dying. [Read.]

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

Committee

Committee divided.

Ayes, 31.

Mr. McGowen,	Mr. Minahan,
Mr. Estell,	Mr. Larkin,
Mr. Hoyle,	Mr. Lang,
Mr. Cann,	Mr. T. S. Crawford,
Mr. Treflé,	Mr. Peters,
Mr. Durack,	Mr. Fingleton,
Mr. Gardiner,	Mr. Morrish,
Mr. Hickey,	Mr. Burgess,
Mr. Ashford,	Mr. Dooley,
Mr. G. R. W. McDonald,	Mr. McGarry,
Mr. Osborne,	Mr. Fern,
Mr. Bagnall,	Mr. Nicholson.
Captain Toombs,	
Mr. Boston,	<i>Tellers,</i>
Mr. Grahame,	Mr. Dunn,
Mr. Gus. Miller,	Mr. Keagan.
Mr. Thomas Brown,	

Noes, 24.

Mr. Levy,	Mr. Chaffey,
Mr. James,	Mr. Crane,
Mr. Wade,	Mr. Harry Morton,
Mr. M. Abbott,	Mr. Richards,
Mr. Cohen,	Colonel Onslow.
Mr. McFarlane,	
Lt.-Col. Braund,	<i>Tellers,</i>
Mr. Thompson,	Mr. Robson,
Mr. Fallick,	Mr. J. C. L. Fitzpatrick.
Mr. Badgery,	
Mr. Hoskins,	
Mr. Nesbitt,	
Lt.-Col. Nicholson,	
Mr. Ball,	
Mr. Hunt,	
Mr. William Brown,	
Mr. Colquhoun,	

Agreed to.

And clauses 37 and 38 having been agreed to,—

No. 19.

SAME BILL.

Amendment of  
s. 53 of Principal  
Act.

Clause 39. Section fifty-three of the Principal Act is amended as follows:—

(a) Omit "voluntary debts" insert the words "debts which were not created bona fide in consideration of money or money's worth, and which were"

(b) Add at the end of the section the following new subsection:—

(4) Provided also that where a person dying after the commencement of the Stamp Duties (Amendment) Act, 1914 (whether at the time of his death domiciled within or without New South Wales) owed a debt secured by mortgage or charge over property situate outside New South Wales, and also secured by mortgage or charge over property situate within New South Wales, there shall be deducted from his estate such part only of such debt as exceeds the value of the said property which is situate outside New South Wales.

Where a mortgagor dies after such commencement, no interest on the mortgage shall be deducted from his estate except that due and payable at the time of his death.  
[Read.]

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

Committee divided.

Ayes, 31.

Mr. Estell,	Mr. Lang,
Mr. Hoyle,	Mr. T. S. Crawford,
Mr. Cann,	Mr. Fingleton,
Mr. Treflé,	Mr. Peters,
Mr. Durack,	Mr. Dooley,
Mr. Hickey,	Mr. Burgess,
Mr. Grahame,	Mr. Morrish,
Mr. Boston,	Mr. Dunn,
Mr. Bagnall,	Mr. Keagan.
Mr. Osborne,	Mr. Nicholson,
Mr. G. R. W. McDonald,	Mr. McGarry,
Mr. Ashford,	Mr. Fern.
Mr. McGowen,	
Mr. Gus. Miller,	<i>Tellers,</i>
Mr. Thomas Brown,	Captain Toombs,
Mr. Minahan,	Mr. Gardiner.
Mr. Larkin,	

Noes, 24.

Mr. J. C. L. Fitzpatrick,	Mr. Harry Morton,
Mr. Levy,	Mr. Chaffey,
Mr. James,	Mr. Richards,
Mr. Wade,	Mr. Crane,
Mr. M. Abbott,	Colonel Onslow.
Mr. Robson,	
Mr. Cohen,	<i>Tellers,</i>
Lt.-Col. Nicholson,	Mr. McFarlane,
Mr. Nesbitt,	Lieut.-Col. Braund.
Mr. Hoskins,	
Mr. Badgery,	
Mr. Fallick,	
Mr. Thompson,	
Mr. Ball,	
Mr. Hunt,	
Mr. William Brown,	
Mr. Colquhoun,	

Agreed to.

And the remaining clauses, the schedules, and a new clause, having been agreed to,—

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

FRIDAY, 3 APRIL, 1914.

No. 20.

INCOME TAX (AMENDMENT) BILL.

Clauses 1 and 2 having been agreed to,—

Clause 3. The Income Tax Act, 1911, as amended by the Income Tax (Amendment) Act, 1912, is further amended as follows:—

(a) After section eight insert the following new section:—

9. The income tax payable by any "company" shall be one shilling in the pound on the amount of the taxable income of such company.

(b) In subsection one of section ten after "any person" and before "shall be as follows" reinsert the words "other than a company." [Read.]

Motion

Amendment of  
Income Tax  
Act, 1911.Tax payable by  
company.

Motion made (*Mr. Perry*) to insert in line 4 after the word "company" the words "other than "co-operative dairying companies."

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

Committee divided.

Ayes, 24.

Mr. Thompson,	Mr. Briner,
Mr. James,	Mr. W. Millard,
Mr. J. C. L. Fitzpatrick,	Mr. Fallick,
Mr. Perry,	Mr. McFarlane,
Mr. Gardiner,	Mr. Badgery,
Mr. Cohen,	Mr. Henley,
Mr. Colquhoun,	Mr. Nesbitt.
Mr. Price,	<i>Tellers,</i>
Mr. Crane,	
Mr. M. Abbott,	Mr. Grimm,
Mr. Richards,	Mr. Chaffey.
Mr. Edden,	
Mr. Thomas,	
Mr. Harry Morton,	
Mr. Stuart-Robertson,	

Noes, 27.

Mr. Keegan,	Mr. Thomas Brown,
Mr. G. R. W. McDonald,	Mr. Boston,
Mr. Bagnall,	Captain Toombs,
Mr. Mercer,	Mr. Fingleton,
Mr. Lang,	Mr. Ashford,
Mr. McGarry,	Mr. Osborne,
Mr. Cusack,	Mr. Cann,
Mr. Burgess,	Mr. Estell,
Mr. Dooley,	Mr. Hoyle,
Mr. Gus. Miller,	Mr. Durack.
Mr. Morrish,	<i>Tellers,</i>
Mr. Dunn,	
Mr. John Storey,	Mr. Wright,
Mr. T. S. Crawford,	Mr. Larkin,
Mr. Grahame,	

*Insertion of proposed words negatived.*

No. 21.

SAME BILL.

*Same Clause.*

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

Committee divided.

Aye, 29.

Mr. Hoyle,	Mr. John Storey,
Mr. Ashford,	Mr. Gus. Miller,
Mr. Estell,	Mr. Morrish,
Mr. Cann,	Mr. Wright,
Mr. Osborne,	Mr. Fingleton,
Mr. Gardiner,	Mr. Keegan,
Mr. Bagnall,	Mr. Cusack,
Mr. Dunn,	Mr. Burgess.
Mr. Mercer,	Mr. Stuart-Robertson.
Mr. T. S. Crawford,	Mr. G. R. W. McDonald,
Mr. Grahame,	Mr. McGarry.
Captain Toombs,	<i>Tellers,</i>
Mr. Dooley,	
Mr. Boston,	Mr. Lang,
Mr. Larkin,	Mr. Durack.
Mr. Thomas Brown,	

Noes, 24.

Mr. J. C. L. Fitzpatrick,	Mr. Briner,
Mr. Grimm,	Mr. Thompson,
Mr. Chaffey,	Mr. Crane,
Mr. Cohen,	Mr. Colquhoun,
Mr. James,	Mr. Richards,
Mr. Perry,	Mr. Edden.
Mr. M. Abbott,	<i>Tellers,</i>
Mr. McFarlane,	
Mr. Fallick,	Mr. Price,
Mr. Badgery,	Mr. Henley.
Mr. Hoskins,	
Mr. Nesbitt,	
Lieut.-Colonel Braund,	
Mr. Thomas,	
Mr. Harry Morton,	
Mr. W. Millard,	

*Agreed to.*

And clauses 4 and 5 having been agreed to,—

On motion of Mr. Cann, the Chairman left the Chair to report the Bill with an amendme t the House.

W. S. MOWLE,  
Clerk Assistant.





1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 5.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

MONDAY, 6 APRIL, 1914.

No. 1.

INCOME TAX MANAGEMENT (AMENDMENT) BILL :—

*Resolution :—*

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

*Resolved*,—That it is expedient to bring in a Bill to amend the Income Tax (Management) Act, 1912, and in particular to amend the definition of income so as to include certain gains and profits; to give a retrospective operation to certain of the amendments so made; and for purposes consequent thereon or incidental thereto.

Question put.

Committee divided.

Ayes, 34.

Mr. Hoyle,	Mr. Fingleton,
Mr. Carmichael,	Mr. McGirr,
Mr. Treflé,	Captain Toombs,
Mr. Cann,	Mr. Bagnall,
Mr. Ashford,	Mr. Osborne,
Mr. Estell,	Mr. Mercer,
Mr. Burgess,	Mr. Gardiner,
Mr. Minahan,	Mr. Nicholson,
Mr. Black,	Mr. Keegan,
Mr. Wright,	Mr. John Storey,
Mr. Lang,	Mr. Fern,
Mr. Boston,	Mr. Kearsley,
Mr. Grahame,	Mr. McGarry,
Mr. Gus. Miller,	Mr. Cusack.
Mr. Peters,	<i>Tellers,</i>
Mr. Morrish,	Mr. T. S. Crawford,
Mr. Stuart-Robertson,	Mr. Durack.
Mr. McGowen,	

Noes, 28.

Mr. Fallick,	Lieut.-Col. Braund,
Mr. Levy,	Mr. Nesbitt,
Mr. Cohen,	Mr. Hoskins,
Mr. James,	Mr. W. Millard,
Mr. Perry,	Mr. Brinsley Hall,
Mr. Henley,	Mr. Badgery,
Mr. McFarlane,	Mr. Thomas,
Mr. Waddell,	Dr. Arthur.
Mr. Cocks,	<i>Tellers,</i>
Mr. Grimm,	Mr. Chaffey,
Mr. M. Abbott,	Mr. Robson.
Mr. Mark F. Morton,	
Mr. Ball,	
Mr. Richards,	
Mr. Thompson,	
Mr. William Brown,	
Lieut.-Col. Nicholson,	
Mr. Moxham,	

*Agreed to.*

On motion of Mr. Cann, the Chairman left the Chair to report that the Committee had come to a Resolution.

No. 2.

SYDNEY HARBOUR TRUST (WHARFAGE AND HARBOUR RATES) BILL :—

*(Resolution.)*

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

*Resolved*, That it is expedient to bring in a Bill to provide for fixing and collecting inward and outward wharfage rates, and inward and outward harbour rates in the port of Sydney; to amend the Sydney Harbour Trust Act, 1900, the Sydney Harbour Rates Act, 1904, and the Sydney Harbour Trust and Navigation Amendment Act, 1908; and for other purposes.

† 92413 100—

Question

Question put.

Committee divided.

Ayes, 35.

Mr. Carmichael,	Captain Toombs,
Mr. Estell,	Mr. Dunn,
Mr. Ashford,	Mr. Peters,
Mr. Hoyle,	Mr. Fingleton,
Mr. Cann,	Mr. Bagnall,
Mr. Kearsley,	Mr. Fern,
Mr. Black,	Mr. Cusack,
Mr. Thomas Brown,	Mr. Boston,
Mr. Hickey,	Mr. Stuart-Robertson,
Mr. Mercer,	Mr. Grahame,
Mr. Gardiner,	Mr. Keegan,
Mr. Osborne,	Mr. Nicholson,
Mr. Minahan,	Mr. John Storey,
Mr. Larkin,	Mr. McGarry.
Mr. G. R. W. McDonald,	<i>Tellers,</i>
Mr. McGowen,	Mr. Durack,
Mr. Wright,	Mr. Morrish.
Mr. Burgess,	
Mr. Lang,	

Noes, 27.

Mr. Levy,	Mr. Chaffey,
Mr. Cohen,	Mr. Mark F. Morton,
Mr. Wade,	Mr. Crane,
Mr. James,	Mr. Cocks,
Mr. Henley,	Mr. M. Abbott,
Mr. McFarlane,	Dr. Arthur.
Mr. Waddell,	<i>Tellers,</i>
Mr. Brinsley Hall,	Mr. Thompson,
Mr. Thomas,	Mr. Robson.
Mr. Ball,	
Mr. W. Millard,	
Mr. Hoskins,	
Mr. Nesbitt,	
Lt.-Col. Braund,	
Mr. Fallick,	
Lieut.-Col. Nicholson,	
Mr. Badgery,	
Mr. William Brown,	
Mr. Richards,	

*Agreed to.*

On motion of Mr. Hoyle, the Chairman left the Chair to report that the Committee had come to a resolution.

No. 3.

INCOME TAX MANAGEMENT (AMENDMENT) BILL:—

Clauses 1 and 2 having been agreed to.

Clause 3. (1.) Paragraph (g) of section ten of the same Act is amended by omitting "earned" and inserting the word "derived"

(2.) The same section is amended by adding the following new paragraph at the end of the section:—

(h) Income derived from shares in a company.

This subsection shall apply to income for the year 1913 and for any subsequent year. [*Read.*]

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

Committee divided.

Ayes, 34.

Mr. Hoyle,	Mr. McGowen,
Mr. Ashford,	Mr. Nicholson,
Mr. Carmichael,	Mr. G. R. W. McDonald,
Mr. Cann,	Mr. Grahame,
Mr. Estell,	Mr. Stuart-Robertson,
Mr. Hickey,	Mr. Osborne,
Mr. Wright,	Mr. Bagnall,
Mr. Cusack,	Captain Toombs,
Mr. Dunn,	Mr. Gardiner,
Mr. Morrish,	Mr. Mercer,
Mr. Lang,	Mr. Minahan,
Mr. Durack,	Mr. Keegan,
Mr. Thomas Brown,	Mr. McGarry,
Mr. Kearsley,	Mr. Boston.
Mr. Larkin,	<i>Tellers,</i>
Mr. Burgess,	Mr. McGirr,
Mr. Fern,	Mr. John Storey.
Mr. Fingleton,	

Noes, 27.

Mr. Thomas,	Mr. Thompson,
Mr. Badgery,	Mr. Richards,
Lieut.-Colonel Braund,	Mr. Crane,
Mr. William Brown,	Mr. M. Abbott,
Mr. Hoskins,	Mr. Grimm,
Mr. Nesbitt,	Mr. Chaffey,
Lieut.-Col. Nicholson,	Colonel Onslow.
Mr. W. Millard,	<i>Tellers,</i>
Mr. Robson,	Mr. Brinsley Hall,
Mr. Ball,	Mr. Levy.
Mr. Wade,	
Mr. Cohen,	
Mr. James,	
Dr. Arthur,	
Mr. McFarlane,	
Mr. Henley,	
Mr. Waddell,	
Mr. Fallick,	

*Agreed to.*

No. 4.

SAME BILL.

Clause 4. Paragraph (d) of subsection one of section eleven of the same Act is amended as follows:—

(a) After "in the State" insert the words "or derived from any other source in the State."

(b) At the end of the paragraph, insert the words "or the person paying such interest, as the case may be." [*Read.*]

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

Committee

Amendment of  
s. 10 of  
Management  
Act, 1912.

Amendment of  
s. 11 1(d).

Committee divided.

Ayes, 34.

Mr. Hoyle,	Mr. McGowen,
Mr. Estell,	Mr. Mercer,
Mr. Ashford,	Mr. Minahan,
Mr. Carmichael,	Mr. Keegan,
Mr. McGirr,	Mr. John Storey,
Mr. Cann,	Mr. Lang,
Mr. Hickey,	Mr. Boston,
Mr. Durack,	Mr. Thomas Brown,
Mr. Dunn,	Mr. Burgess,
Mr. Morrish,	Mr. Larkin,
Mr. Gardiner,	Mr. Fingleton,
Captain Toombs,	Mr. Fern,
Mr. Bagnall,	Mr. McGarry,
Mr. Osborne,	Mr. Cusack,
Mr. Stuart-Robertson,	<i>Tellers,</i>
Mr. Grahame,	Mr. Kearsley,
Mr. G. R. W. McDonald,	Mr. Wright,
Mr. Nicholson,	

Agreed to.

Noes, 27.

Mr. Ball,	Lieut.-Col. Nicholson,
Mr. Wade,	Mr. Nesbitt,
Mr. Cohen,	Mr. Hoskins,
Mr. James,	Mr. William Brown,
Dr. Arthur,	Lieut.-Col. Braund,
Mr. McFarlane,	Mr. Badgery,
Mr. Brinsley Hall,	Mr. Thomas,
Mr. Henley,	<i>Tellers,</i>
Mr. Levy,	Mr. M. Abbott,
Mr. Waddell,	Mr. Grimm,
Mr. Thompson,	
Mr. Crane,	
Mr. Chaffey,	
Colonel Onslow,	
Mr. Richards,	
Mr. Fallick,	
Mr. Robson,	
Mr. W. Millard,	

No. 5.

SAME BILL.

Clause 5. In subsection one, paragraph (a), of section sixteen of the same Act, omit "three hundred" insert "two hundred and fifty." Amendment  
s. 16 (1)(a).  
Exemption.

This section shall apply to income for the year one thousand nine hundred and thirteen and for any subsequent year. [Read.]

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

Committee divided.

Ayes, 34.

Mr. Hoyle,	Mr. Gardiner,
Mr. Ashford,	Mr. Mercer,
Mr. Estell,	Mr. Minahan,
Mr. Carmichael,	Mr. John Storey,
Mr. McGirr,	Mr. McGarry,
Mr. Cann,	Mr. Cusack,
Mr. Wright,	Mr. Lang,
Mr. Durack,	Mr. Boston,
Mr. Morrish,	Mr. Thomas Brown,
Mr. McGowen,	Mr. Kearsley,
Mr. Nicholson,	Mr. Larkin,
Mr. G. R. W. McDonald,	Mr. Burgess,
Mr. Keegan,	Mr. Fingleton,
Mr. Grahame,	Mr. Fern,
Mr. Stuart-Robertson,	<i>Tellers,</i>
Mr. Osborne,	Mr. Hickey,
Mr. Bagnall,	Mr. Dunn,
Captain Toombs,	

Agreed to.

Noes, 27.

Mr. Ball,	Lieut.-Col. Nicholson,
Mr. Wade,	Mr. Nesbitt,
Mr. Cohen,	Mr. Hoskins,
Mr. James,	Mr. William Brown,
Dr. Arthur,	Lieut.-Col. Braund,
Mr. McFarlane,	Mr. Badgery,
Mr. Brinsley Hall,	Mr. Thomas,
Mr. Henley,	<i>Tellers,</i>
Mr. Levy,	Mr. Chaffey,
Mr. Waddell,	Colonel Onslow,
Mr. Grimm,	
Mr. Thompson,	
Mr. Crane,	
Mr. M. Abbott,	
Mr. Richards,	
Mr. Fallick,	
Mr. Robson,	
Mr. W. Millard,	

And the Committee continuing to sit after midnight,—

TUESDAY, 7 APRIL, 1914, A.M.

No. 6.

SAME BILL.

Clause 6. (1) In the same Act—

(a) omit paragraph (f) of subsection one of section sixteen ;

(b) omit paragraph (c) of subsection two of the same section ;

(c) add to the section a new subsection as follows :—

(3) Deduction shall not be made in respect of payments of income tax.

(d) in the last proviso to subsection two of section nineteen omit all after "(a), (b), (c), (d)," to the end of the section.

(2) This section shall apply to income for the year one thousand nine hundred and thirteen and for any subsequent year. [Read.]

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

Committee divided.

Ayes, 34.

Mr. Hoyle,	Mr. Mercer,
Mr. Estell,	Mr. G. R. W. McDonald,
Mr. Ashford,	Mr. Keegan,
Mr. Carmichael,	Mr. Grahame,
Mr. McGowen,	Mr. Stuart-Robertson,
Mr. Cann,	Mr. Osborne,
Mr. Hickey,	Mr. Bagnall,
Mr. Wright,	Captain Toombs
Mr. Morrish,	Mr. Gardiner,
Mr. Dunn,	Mr. Minahan,
Mr. Durack,	Mr. John Storey,
Mr. Lang,	Mr. McGarry,
Mr. Boston,	Mr. Cusack,
Mr. Kearsley,	Mr. McGirr,
Mr. Larkin,	<i>Tellers,</i>
Mr. Burgess,	Mr. Thomas Brown,
Mr. Fingleton,	Mr. Nicholson,
Mr. Fern,	

Agreed to.

And clause 7 having been agreed to,—

Noes, 27.

Mr. Ball,	Mr. Robson,
Mr. Wade,	Mr. W. Millard,
Mr. Cohen,	Mr. Nesbitt,
Mr. James,	Mr. Hoskins,
Dr. Arthur,	Lieut.-Col. Braund,
Mr. McFarlane,	Mr. Badgery,
Mr. Brinsley Hall,	Mr. Thomas,
Mr. Henley,	<i>Tellers,</i>
Mr. Levy,	Mr. William Brown,
Mr. Waddell,	Lieut.-Col. Nicholson,
Mr. Grimm,	
Mr. Thompson,	
Mr. Crane,	
Mr. M. Abbott,	
Mr. Chaffey,	
Colonel Onslow,	
Mr. Richards,	
Mr. Fallick,	

No. 7.

Further  
amendment  
to s. 16 and  
s. 19.

## No. 7.

## SAME BILL.

Further amendment of s. 17.

Clause 8. Section seventeen of the same Act is further amended as follows :—

- (a) Omit "deductions (e) and (f) so far as they may be" insert "deduction (c) so far as it may be."  
 (b) Omit "and shall further deduct any sum paid or credited to a shareholder or policyholder by the company during the year of income, as dividend or bonus."  
 (c) Omit "such deductions" insert "such deduction."  
 (d) Omit the two provisos.

Application of section.

This section shall apply to income for the year one thousand nine hundred and thirteen, and for any subsequent year. [*Read.*]

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

Ayes, 34.

Mr. Hoyle,	Mr. Fern,
Mr. Estell,	Mr. McGowen,
Mr. Ashford,	Mr. Nicholson,
Mr. Carmichael,	Mr. Keegan,
Mr. Cann,	Mr. Grahame,
Mr. McGirr,	Mr. Stuart-Robertson,
Mr. Wright,	Mr. Osborne,
Mr. Hickey,	Captain Toombs,
Mr. Morrish,	Mr. Bagnall,
Mr. Dunn,	Mr. Gardiner,
Mr. Durack,	Mr. Mercer,
Mr. Lang,	Mr. John Storey,
Mr. Boston,	Mr. McGarry,
Mr. Thomas Brown,	Mr. Cusack.
Mr. Kearsley,	<i>Tellers,</i>
Mr. Larkin,	Mr. G. R. W. McDonald,
Mr. Burgess,	Mr. Minahan.
Mr. Fingleton,	

Noes, 27.

Mr. Ball,	Mr. Richards,
Mr. Wade,	Colonel Onslow,
Mr. Cohen,	Mr. Grimm,
Mr. James,	Mr. Thompson,
Dr. Arthur,	Mr. Crane,
Mr. McFarlane,	Mr. M. Abbott,
Mr. Brinsley Hall,	Mr. Chaffey.
Mr. Henley,	<i>Tellers,</i>
Mr. Levy,	Mr. Hoskins,
Mr. Waddell,	Mr. Fallick.
Mr. Thomas,	
Mr. Badgery,	
Lieut.-Col. Braund,	
Mr. William Brown,	
Mr. Nesbitt,	
Mr. W. Millard,	
Mr. Robson,	
Lieut.-Col. Nicholson,	

Agreed to.

And clause 9 having been agreed to,—

## No. 8.

## SAME BILL.

Amendment of s. 19 (1.)  
Taxation of foreign shipowners.

Clause 10. Section nineteen of the same Act is amended as follows :—

- (a) In subsection one omit the words "The taxable income of any taxpayer engaged in the business of owner or charterer of ships trading from a port in the State to a port outside the State and"  
 (b) After subsection one insert the following new subsection :—

(1A) When a foreign company or a person whose principal place of business is out of the State carries passengers, live stock, or goods, shipped in the State, either as owner or charterer of any vessel, such company or person shall by itself or himself or its or his agent in the State, within the prescribed time, make a return of the full amount payable to it or to him, whether such amount is payable in the State or beyond the State, in respect of the carriage of such passengers, live stock, and goods to the port of discharge.

Such company, person, or agent, shall be assessed thereon, and the taxable amount of the income derived therefrom shall, if such income cannot in the opinion of the Commissioners be otherwise satisfactorily determined, be assessed at an amount equal to five pounds for every one hundred pounds so payable as aforesaid. [*Read.*]

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

Ayes, 34.

Mr. Hoyle,	Captain Toombs,
Mr. Estell,	Mr. Gardiner,
Mr. Ashford,	Mr. Mercer,
Mr. Carmichael,	Mr. Minahan,
Mr. McGirr,	Mr. John Storey,
Mr. Cann,	Mr. Lang,
Mr. Hickey,	Mr. Boston,
Mr. Wright,	Mr. Thomas Brown,
Mr. Morrish,	Mr. Kearsley,
Mr. Dunn,	Mr. Larkin,
Mr. Nicholson,	Mr. Burgess,
Mr. McGowen,	Mr. Fingleton,
Mr. G. R. W. McDonald,	Mr. Fern,
Mr. Keegan,	Mr. McGarry.
Mr. Grahame,	<i>Tellers,</i>
Mr. Stuart-Robertson,	Mr. Cusack,
Mr. Osborne,	Mr. Durack.
Mr. Bagnall,	

Noes, 27.

Mr. Wade,	Mr. Richards,
Mr. Cohen,	Colonel Onslow,
Mr. James,	Mr. Grimm,
Dr. Arthur,	Mr. Thompson,
Mr. McFarlane,	Mr. Crane,
Mr. Henley,	Mr. M. Abbott,
Mr. Levy,	Mr. Chaffey.
Mr. Waddell,	<i>Tellers,</i>
Mr. Thomas,	Mr. Brinsley Hall,
Mr. Badgery,	Mr. Ball.
Lieut.-Col. Braund,	
Mr. William Brown,	
Mr. Hoskins,	
Mr. Nesbitt,	
Mr. W. Millard,	
Mr. Robson,	
Lieut.-Col. Nicholson,	
Mr. Fallick,	

Agreed to.

## No. 9.

## SAME BILL.

Amendment of s. 20 (3).

Clause 11. Subsection three of section twenty of the same Act is amended as follows :—

- (a) Omit "or by his agent duly authorised in that behalf."  
 (b) At the end of the subsection add the words "Provided that if the taxpayer is absent from the State, or is unable from physical or mental infirmity to make such return, the return may be signed and delivered by some person authorised by him." [*Read.*]

Question

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

Ayes, 34.

Mr. Hoyle,	Captain Toombs,
Mr. Estell,	Mr. Gardiner,
Mr. Ashford,	Mr. Fern,
Mr. Carmichael,	Mr. Fingleton,
Mr. Cann,	Mr. Burgess,
Mr. Hickey,	Mr. Larkin,
Mr. Wright,	Mr. Kearsley,
Mr. Morrish,	Mr. Thomas Brown,
Mr. Dunn,	Mr. Boston,
Mr. Durack,	Mr. Lung,
Mr. Nicholson,	Mr. Mercer,
Mr. McGowen,	Mr. Minahan,
Mr. G. R. W. McDonald,	Mr. John Storey,
Mr. Keegan,	Mr. Cusack.
Mr. Graham,	
Mr. Stuart-Robertson,	<i>Tellers,</i>
Mr. Osborne,	Mr. McGarry,
Mr. Bagnall,	Mr. McGirr.

Noes, 26.

Mr. Ball,	Mr. W. Millard,
Mr. Wade,	Mr. Nesbitt,
Mr. Cohen,	Mr. Hoskins,
Mr. James,	Mr. William Brown,
Dr. Arthur,	Lieut.-Col. Braund,
Mr. McFarlane,	Mr. Badgery.
Mr. Brinsley Hall,	<i>Tellers,</i>
Mr. Henley,	Mr. M. Abbott,
Mr. Levy,	Mr. Grimm.
Mr. Waddell,	
Mr. Thompson,	
Mr. Crane,	
Mr. Chaffey,	
Colonel Onslow,	
Mr. Richards,	
Mr. Fallick,	
Lieut.-Col. Nicholson,	
Mr. Robson,	

*Agreed to.*

And clause 12 having been agreed to,—

No. 10.

SAME BILL.

Clause 13. The following sections are inserted next after section twenty-four of the same Act:—

24A. (1) Notwithstanding the previous provisions of this part the Commissioners at any time during a year of income—

- may, by notice served as prescribed, require any person who is a resident out of the State, and who has not a fixed and permanent place of business in the State, to furnish, before the day in such notice mentioned, a return of his income during such year and during any previous year of income;
- may assess the tax payable by any such person on his income during such year, whether such person has or has not been required to make any return under this section;
- may send to the taxpayer, through the post, any assessment notice assessing the tax payable by him, and in such notice may fix a day upon which the tax shall be paid to the Commissioners at their office.

(2) If any such person fails to pay such tax on the day so fixed, he shall be liable to pay by way of fine ten per centum upon the amount of the tax, and the Commissioners may forthwith sue him for the amount of the tax and of the fine, in any court of competent jurisdiction.

24B. The Commissioners may, by seven days' notice, require any person to produce, for examination by any person appointed in that behalf, and at any time and place fixed by the Commissioners, any deeds, instruments, books, accounts, vouchers, trade-lists, stock-sheets, documents, or writings that may be deemed by the Commissioners to be necessary for the purpose of obtaining information in respect of the income of any person or company.

If any person, without reasonable excuse, fails to comply with any requirements made under this section he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds for every day after the first during which such default continues. [*Read.*]

New sections  
24A, 24B, and  
24C  
Taxation during  
year of income.

Examination of  
books, &c., 2 Ed.  
VII, No. 10, s. 42  
(Queensland).

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

Ayes, 37.

Mr. Hoyle,	Mr. Mercer,
Mr. Estell,	Mr. Minahan,
Mr. Ashford,	Mr. John Storey,
Mr. Carmichael,	Mr. Robson,
Mr. McGirr,	Lieut.-Col. Nicholson,
Mr. Cann,	Mr. Cusack,
Mr. Hickey,	Mr. McGarry,
Mr. Wright,	Mr. Burgess,
Mr. Morrish,	Mr. Larkin,
Mr. Dunn,	Mr. Kearsley,
Mr. Durack,	Mr. Waddell,
Mr. Nicholson,	Mr. Thomas Brown,
Mr. McGowen,	Mr. Lang,
Mr. G. R. W. McDonald,	Mr. Boston,
Mr. Keegan,	Mr. Fingleton.
Mr. Graham,	
Mr. Stuart-Robertson,	<i>Tellers,</i>
Mr. Osborne,	Mr. Fern,
Mr. Bagnall,	Mr. Gardiner.
Captain Toombs,	

Noes, 23.

Mr. Brinsley Hall,	Mr. Badgery.
Mr. Wade,	<i>Tellers,</i>
Mr. Cohen,	Mr. Chaffey,
Mr. James,	Mr. Levy.
Dr. Arthur,	
Mr. McFarlane,	
Mr. Ball,	
Mr. Henley,	
Mr. Grimm,	
Mr. Thompson,	
Mr. M. Abbott,	
Mr. Crane,	
Colonel Onslow,	
Mr. Richards,	
Mr. Fallick,	
Mr. W. Millard,	
Mr. Nesbitt,	
Mr. Hoskins,	
Mr. William Brown,	
Lt.-Col. Braund,	

*Agreed to.*

And clause 14 having been agreed to,—

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

TUESDAY,

TUESDAY, 7 APRIL, 1914.

No. 11.

## SYDNEY HARBOUR TRUST (WHARFAGE AND HARBOUR RATES) BILL.

Clauses 1 and 2 having been agreed to.

*Wharfage Rates.*

New sections.

Clause 3. The following sections are inserted in the place of sections sixty-eight and sixty-nine of the Sydney Harbour Trust Act, 1900 :—

Collection of inward and outward wharfage rates.

68. The commissioners shall demand, collect, and receive, subject to the exemptions and deductions hereinafter in this Act specified, inward and outward wharfage rates to be fixed as hereinafter provided, upon all goods—

- (a) unshipped from any vessel berthed at a wharf, dock, pier, jetty, landing-stage, slip, or platform in the port, vested in the commissioners ; or
- (b) received on any such wharf, dock, pier, jetty, landing-stage, slip, or platform, for shipment on a vessel.

Exemptions, refunds, and deductions.

69. The following exemptions, refunds, and deductions shall be made and allowed :—

- (a) Goods of His Majesty and passengers' luggage shall be exempt from all wharfage rates.
- (b) Goods, unshipped from any vessel to any other vessel for conveyance to another port shall not be subject to inward or outward wharfage rates if a transshipment entry in respect thereof is duly passed at the custom house within forty-eight hours after the time at which the discharging vessel has reported at the custom-house ; but in the case of vessels engaged in the State or Interstate coastal trade, and in respect of which transshipment entries are not so passed as aforesaid, it shall be a sufficient compliance with this paragraph if such entry is, within the said time, lodged with the commissioners.
- (c) Any amount paid as inward harbour rates on any goods may be deducted from any inward wharfage rates payable in respect of the same goods.
- (d) Any amount paid as outward harbour rates on any goods may be deducted from any outward wharfage rates payable in respect of the same goods.
- (e) Where outward wharfage rates are paid on goods received for shipment but not shipped, the commissioners may refund the amount so paid.
- (f) The commissioners may exempt any goods or classes of goods from inward or outward wharfage rates, and may reimpose and fix, under this Act, wharfage rates on such goods.

The amount of rates.

69A. The commissioners shall, by regulations which they are authorised with the approval of the Governor to make, fix the amount of such wharfage rates.

Such rates, whether inward or outward, may be by weight or measurement, in the discretion of the commissioners, but inward wharfage rates shall not exceed four shillings per ton by weight or three shillings per ton of forty cubic feet measurement, and outward wharfage rates shall not exceed half that sum.

Fixed rates may also be imposed by such regulations on specified articles or packages, and in such case the rate on any article or package shall be so as not to exceed the maximum rate above prescribed by weight or measurement, whichever is the larger :

Provided that a minimum, not exceeding threepence, may be fixed for any article.

[*Read.*]

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

Committee divided.

Ayes, 35.

Mr. Morrish,	Mr. Kearsley,
Mr. Hoyle,	Mr. Fingleton,
Mr. Treflé,	Mr. Burgess,
Mr. Cann,	Mr. Peters,
Mr. Estell,	Mr. Dunn,
Mr. Grahame,	Mr. Page,
Mr. Hickey,	Mr. Lang,
Mr. Bagnall,	Mr. Nicholson,
Mr. Ashford,	Mr. Wright,
Mr. T. S. Crawford,	Mr. Boston,
Mr. G. R. W. McDonald,	Mr. Durack,
Mr. John Storey,	Mr. Keegan,
Captain Toombs,	Mr. Cusack,
Mr. Mercer,	Mr. McGarry.
Mr. Gardiner,	
Mr. Gus. Miller,	<i>Tellers,</i>
Mr. Elden,	Mr. Thomas Brown,
Mr. McGowen,	Mr. Black.
Mr. Osborne,	

Noes, 24.

Mr. Levy,	Mr. William Brown,
Mr. Fallick,	Mr. Richards,
Mr. Wade,	Mr. Thomas,
Mr. Cohen,	<i>Tellers,</i>
Mr. McFarlane,	Mr. David Storey,
Mr. Robson,	Mr. Henley.
Colonel Onslow,	
Mr. Ball,	
Mr. Nesbitt,	
Mr. Thompson,	
Dr. Arthur,	
Mr. Chaffey,	
Mr. Mark F. Morton,	
Mr. Waddell,	
Lieut.-Col. Braund,	
Lieut.-Col. Nicholson,	
Mr. W. Millard,	
Mr. Brinsley Hall,	
Mr. Badgery,	

*Agreed to.*

And clause 4 having been agreed to,—

No. 12.

## SAME BILL.

New sections.

Clause 5. The following sections are inserted in the place of sections three and four of the Sydney Harbour Rates Act, 1904 :—

Collection of inward and outward harbour rates.

3. Towards meeting the expenditure annually incurred in dredging, lighting, improving, and maintaining the port of Sydney, the commissioners may demand, collect, and receive inward harbour rates on all goods brought by sea into the said port, and outward harbour rates on all goods shipped on any vessel in the said port :

Provided that goods of His Majesty and passengers' luggage shall be exempt from such rates.

4.

4. The inward harbour rates on any goods shall not exceed the inward wharfage Amount of rates. rates which would be payable on the same goods if unshipped from a vessel berthed at a wharf of the commissioners.

The outward harbour rates on any goods shall not exceed the outward wharfage rates which would be payable on the same goods if received on any wharf vested in the commissioners for shipment on a vessel berthed at any such wharf :

Provided that on goods transhipped in the said port an amount, to be fixed by the commissioners, not exceeding one-half of the inward harbour rates shall be payable, unless the goods are landed on a wharf or other place, and the transhipment does not take place within fourteen days after the landing, in which case double the amount so fixed shall be payable.

On goods so transhipped no outward harbour rates shall be payable.

4A. Inward and outward harbour rates shall be paid by the owners of the goods as Payment of rates. defined in the Sydney Harbour Trust Act, 1900.

Inward harbour rates shall be paid before the landing or transhipment of the goods.

Outward harbour rates shall be paid before the vessel leaves the port.

If any such rates are not so paid, the person liable to pay the same shall be liable to a penalty not exceeding *fifty* pounds. [*Read.*]

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

Committee divided.

Ayes, 35.

Mr. Morrish,	Mr. Kearsley,
Mr. Hoyle,	Mr. Durack,
Mr. Estell,	Mr. Osborne,
Mr. Cann,	Mr. John Storey,
Mr. Grahame,	Captain Toombs,
Mr. Hickey,	Mr. Mercer,
Mr. Bagnall,	Mr. Gardiner,
Mr. Treflé,	Mr. Edden,
Mr. Ashford,	Mr. Nicholson,
Mr. T. S. Crawford,	Mr. Boston,
Mr. McGowen,	Mr. Wright,
Mr. Lang,	Mr. Keegan,
Mr. Fingleton,	Mr. Cusack,
Mr. Burgess,	Mr. Thomas Brown.
Mr. Dunn,	<i>Tellers,</i>
Mr. Peters,	Mr. McGarry,
Mr. Page,	Mr. Gus. Miller.
Mr. Black,	
Mr. G. R. W. McDonald,	

Noes, 24.

Mr. Levy,	Mr. Waddell,
Mr. Fallick,	Mr. Henley,
Mr. Wade,	Mr. Mark F. Morton.
Mr. Cohen,	<i>Tellers,</i>
Mr. McFarlane,	Mr. Brinsley Hall,
Mr. Robson,	Mr. William Brown.
Colonel Onslow,	
Mr. Ball,	
Mr. Nesbitt,	
Mr. David Storey,	
Mr. Thompson,	
Mr. Chaffey,	
Mr. Thomas,	
Dr. Arthur,	
Mr. Richards,	
Mr. Badgery,	
Mr. W. Millard,	
Lieut.-Col. Nicholson,	
Lieut.-Col. Braund,	

*Agreed to.*

And clauses 6 and 7 having been agreed to,—

No. 13.

SAME BILL.

Clause 8. (1) Section eleven of the same Act is amended by omitting the words "copy of his" Amendment of s. 11. inward manifest. before the word "manifest."

(2) The following section is inserted next after the said section :—

11A. The master of a vessel shall, before such vessel leaves the port of Sydney, Master to lodge outward manifest. lodge at the offices of the commissioners a true and complete outward manifest; and if he fails to do so he shall be liable to a penalty not exceeding *one hundred* pounds. [*Read.*]

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

Committee divided.

Ayes, 35.

Mr. Hoyle,	Mr. Fage,
Mr. Carmichael,	Mr. Peters,
Mr. Treflé,	Mr. Wright,
Mr. Kearsley,	Mr. Morrish,
Mr. Cann,	Mr. Stuart-Robertson,
Mr. Estell,	Mr. Cusack,
Mr. Black,	Mr. Dunn,
Mr. Edden,	Mr. Boston,
Mr. John Storey,	Mr. Keegan,
Mr. Gardiner,	Mr. Mercer,
Mr. Burgess,	Mr. Nicholson,
Mr. Gus. Miller,	Mr. Lang,
Mr. Osborne,	Mr. McGarry,
Mr. Durack,	Mr. T. S. Crawford.
Mr. McGowen,	<i>Tellers,</i>
Mr. Grahame,	Mr. Fingleton,
Mr. Ashford,	Mr. Dooley.
Mr. Thomas Brown,	
Mr. Hickey,	

Noes, 25.

Mr. Levy,	Lieut.-Col. Braund,
Mr. Moxham,	Mr. Fallick,
Mr. Perry,	Mr. Thomas,
Mr. Cohen,	Dr. Arthur.
Mr. McFarlane,	<i>Tellers,</i>
Mr. Coeks,	Mr. Nesbitt,
Captain Toombs,	Mr. Chaffey.
Mr. Mark F. Morton,	
Mr. Thompson,	
Mr. Briner,	
Mr. Ball,	
Mr. Richards,	
Mr. Waddell,	
Mr. Robson,	
Mr. Brinsley Hall,	
Mr. William Brown,	
Mr. W. Millard,	
Lieut.-Col. Nicholson,	
Mr. Badgery,	

*Agreed to.*

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

No. 14.



WEDNESDAY, 8 APRIL, 1914.

No. 14.

INDUSTRIAL ARBITRATION ACT, 1912—AMENDMENT OF SCHEDULE ONE (*Consideration of Legislative Council's amendments referred to in Message of 8th April, 1914*):—

Amendments considered seriatim..

Clerks..... Before the words "~~professional musicians~~"  
in the ~~professional and shop workers~~  
~~group of industries.~~ [*Considered.*]

Question put, That the Committee agree to the Legislative Council's amendment omitting "Clerks," &c.

Committee divided.

Ayes, 29.

Mr. Hoyle,	Mr. G. R. W. McDonald,
Mr. Ashford,	Mr. Nicholson,
Mr. Treflé,	Mr. Dooley,
Mr. Cann,	Mr. T. S. Crawford,
Mr. Grahame,	Mr. Gus Miller,
Mr. Dunn,	Mr. Boston,
Mr. McGowen,	Mr. Morrish,
Mr. Black,	Mr. Ragnall,
Mr. Mercer,	Mr. John Storey,
Mr. Thomas Brown,	Mr. Larkin,
Mr. Fern,	Mr. Fingleton.
Mr. Lang,	<i>Tellers,</i>
Captain Toombs,	Mr. Durack,
Mr. Kearsley,	Mr. Burgess.
Mr. McGarry,	
Mr. Cusack,	

Noes, 23.

Mr. Cocks,	Mr. Harry Morton,
Mr. Levy,	Mr. McFarlane,
Mr. Wade,	Mr. Ball,
Mr. Fallick,	Mr. Thomas,
Mr. Henley,	Mr. Chaffey.
Mr. M. Abbott,	<i>Tellers,</i>
Mr. Waddell,	Dr. Arthur,
Mr. Perry,	Colonel Onslow.
Mr. Badgery,	
Mr. Richards,	
Mr. Hoskins,	
Mr. Brinsley Hall,	
Lt.-Col. Braund,	
Mr. Nesbitt,	
Lieut.-Col. Nicholson,	
Mr. Mark F. Morton,	

*Legislative Council's amendment agreed to.*

And the remaining amendment made by the Legislative Council in the Schedule having been agreed to,—

On motion of Mr. Cann, the Chairman left the Chair to report that the Committee had agreed to the Legislative Council's amendments.

W. S. MOWLE,  
Clerk Assistant

1914.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 11th March, 1914, a.m., Votes No. 4, Entry 11, have agreed to report to your Honourable House in relation to the papers referred to them, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
				1914.		
Amended Regulation ..	under the Industrial Arbitration Act, 1912.....	.....	Mr. Estell .....	3 March.....	Not to be printed.	
Regulations .....	under the Workmen's Compensation Act, 1910 .....	.....	Mr. Estell .....	3 March.....	Not to be printed.	
Regulation.....	under the Prisons Act, 1899, and the Deserted Wives and Children Amending Act, 1913.	.....	Mr. D. R. Hall .....	3 March.....	Not to be printed.	
Amended Regulations .....	under the Public Service Act, 1902 .....	.....	Mr. D. R. Hall .....	3 March.....	Not to be printed.	
Regulation .....	No. 80 under the Prisons Act, 1899 .....	.....	Mr. D. R. Hall .....	3 March.....	Not to be printed.	
Report .....	of the Inspector-General of the Insane for 1913.....	.....	Mr. Cann.....	3 March.....	To be printed.	
By-laws .....	under the Newcastle District Abattoirs and Sale-yards Act, 1912...	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Rule .....	under the Police Regulation Act, 1899.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Synopsis.....	of Voting at the General Election, 1913 .....	.....	Mr. Cann.....	3 March.....	To be printed.	
Report .....	of the Miners' Accident Relief Fund for 1913.....	.....	Mr. Cann.....	3 March.....	To be printed.	
Proclamation .....	declaring certain works to be "Mining Purposes" within the meaning of the Mining Act, 1906.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Proclamation.....	declaring iron ore to be a "Mineral" within the meaning of the Mining Act, 1906.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Proclamation.....	declaring certain lands, parish of North Gundagai, county of Clarendon, to be "Private Lands" within the meaning of the Mining Act, 1906.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification .....	of resumption of land, under Public Works Act, 1912, for extension of the Marshalling Sidings at Port Waratah.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Notification .....	of appropriation of land, under Public Works Act, 1912, for Railway Traffic at Epping.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Notification .....	of appropriation and resumption of land, under Public Works Act, 1912, for Railway Traffic at Brawlin.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	

[34]

89063

64

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks
Notification .....	of appropriation and resumption of land, under Public Works Act, 1912, for Railway Traffic at Bringagee.	.....	Mr. Hoyle .....	1914. 3 March.....	Not to be printed.	
Notification .....	of appropriation of land, under Public Works Act, 1912, for Railway Traffic at Bowring.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Notification .....	of resumption of land, under Public Works Act, 1912, for Railway Traffic at Otford.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Notification .....	of resumption of land, under Public Works Act, 1912, for Railway Traffic on the existing line of railway between Sydney and Bourke by the erection of employees' residences at Valley Heights.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Notification .....	of appropriation and resumption of land, under Public Works Act, 1912, for Railway Traffic on the existing line of Railway between West Maitland and Tarce by establishing a quarry at Martin's Creek.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Regulations .....	under the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Amended Regulations .....	under the Navigation Act, 1901, and the Navigation Amendment (Regulations) Act, 1904.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Report .....	of the Pharmacy Board for 1913 .....	.....	Mr. Hoyle .....	3 March.....	To be printed.	
Report .....	of the Chief Commissioner for Railways and Tramways for the quarter ended 31st December, 1913.	.....	Mr. Hoyle .....	3 March.....	To be printed.	
Substituted Regulation .....	8a under the Government Savings Bank Act, 1906, as amended by the Government Savings Bank Amendment Act, 1913.	.....	Mr. Hoyle .....	3 March.....	Not to be printed.	
Report .....	of the Commissioner for Water Conservation and Irrigation for 1913	.....	Mr. Ashford .....	3 March.....	To be printed.	
Statement .....	of Receipts and Expenditure of the Hay Irrigation Trust for 1913..	.....	Mr. Ashford .....	3 March.....	To be printed.	
Statement .....	of Receipts and Expenditure of the Wentworth Irrigation Area for 1913.	.....	Mr. Ashford .....	3 March.....	To be printed.	
Amended Regulation .....	No. 36 under the Irrigation Act, 1912 .....	.....	Mr. Ashford .....	3 March.....	Not to be printed.	
Particulars.....	of Western Lands Leases issued under the provisions of the Western Lands Acts to 19th November, 1913.	.....	Mr. Ashford .....	3 March.....	Not to be printed.	
Abstract .....	of Crown lands intended to be dedicated to public purposes, under the Crown Lands Consolidation Act, 1913.	.....	Mr. Ashford .....	3 March.....	Not to be printed.	
Gazette Notices.....	setting forth the mode in which it is proposed to deal with the dedication of certain Lands, under the Crown Lands Consolidation Act, 1913.	.....	Mr. Ashford .....	3 March.....	Not to be printed.	
Report .....	of the National Park Trust for the years 1911-1912 and 1912-1913	.....	Mr. Ashford .....	3 March.....	To be printed.	
Notifications .....	of resumption of land, under the Public Works Act, 1912, for Public School Purposes at Caledonia, Newtown North, Parramatta (High), King's Vale, Kogarah, Coorabell, Wakool Crossing, Mandamah West, Annandale North, Kickabil, and Yarran Farm.	.....	Mr. Carmichael .....	3 March .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for the Moree to Mungindi Railway.	.....	Mr. Cann.....	3 March .....	Not to be printed.	
Notification.....	of resumption of land, under the Public Works Act, 1912, for a Deep-water Harbour at Port Kembla.	.....	Mr. Cann.....	3 March .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for the Parkes to Peak Hill Railway.	.....	Mr. Cann.....	3 March .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for Wharfage Improvements at Newcastle.	.....	Mr. Cann.....	3 March .....	Not to be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Notification	of resumption of land, under the Public Works Act, 1912, for the Construction of Cordeaux Dam (Sydney Water Supply).	.....	Mr. Cann.....	1914. 3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for Wharfrage at Carrington, Port of Newcastle.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Darley-road, Randwick, to Little Coojee Tramway, Part 2.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Rookwood to Bankstown Tramway, with branch to Princess-st.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for deviation of the Breakwater Railway Line, Harrington, to Crowdy Head.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for a State Forest, near Nyngun.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Arakoon Drainage Trust.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Dunedoo to Coonabarabran Railway.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Chatswood Stormwater Channel.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Maitland to South Grafton Railway (Water Supply at Wauchope).	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Observatory site at Wahroonga.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Dunedoo to Coonabarabran Railway.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1912, for the Maitland to South Grafton Railway (Road Diversion).	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Brewon Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Boronga Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Mercadool Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Collymongle Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Tunda Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Nowley Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Punyah Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Munna Munna Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Ulumbie Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Boomi Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Hollywood Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Currumbah Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Bomuckledi Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Kiga Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Tyreeel Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
By-laws	of the Oreeel No. 2 Bore Water Trust, under the Water Act, 1912.....	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Minute	of the Public Service Board regarding the appointment of Mr. R. V. G. Pennefather, as Surveyor, Railway and Tramway Survey Branch, Department of Public Works.	.....	Mr. Cann.....	3 March.....	Not to be printed.	
Minute	of the Public Service Board regarding the appointment of Mr. J. Norris, as Surveyor, Railway and Tramway Survey Branch, Department of Public Works.	.....	Mr. Cann.....	3 March.....	Not to be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Regulations .....	under the Public Trustee Act, 1913 .....	.....	Mr. D. R. Hall .....	4 March .....	Not to be printed.	
Public Service List .....	for 1913 .....	.....	Mr. D. R. Hall .....	4 March .....	To be printed.	
Regulations .....	under the Stock Diseases (Tick) Act, 1901 .....	.....	Mr. Ashford .....	4 March .....	Not to be printed.	
Regulations .....	under the Stock Act, 1901 .....	.....	Mr. Ashford .....	4 March .....	Not to be printed.	
Notice.....	of intention to declare that additional conditional purchase No. 11-32, portion 171, parish of Moredun, county of Hardinge, Land District of Inverell, a conversion of conditional lease 1,845, shall cease to be voidable.	.....	Mr. Ashford .....	4 March .....	Not to be printed.	
Notice .....	of intention to declare that conditional lease No. 12-56, portion 346, parish of Copmanhurst, county of Clarence, Land District of Grafton, applied for by Ewen Cameron, shall cease to be voidable.	.....	Mr. Cann.....	4 March .....	Not to be printed.	
Notice .....	of intention to declare that additional conditional purchase No. 13-1, portion 213, parish of Elmsmore, county of Gough, Land District of Inverell, a conversion of conditional lease 1,904, shall cease to be voidable.	.....	Mr. Cann.....	4 March .....	Not to be printed.	
Particulars.....	of Western Lands Leases issued under the provisions of the Western Lands Acts from 31st December, 1913, to 25th February, 1914.	.....	Mr. Cann.....	4 March .....	Not to be printed.	
Amended Regulations.....	Nos. 374, 417A, and Amended Form No. 170, under the Crown Lands Consolidation Act, 1913, and Amended Regulation No. 28, under the Closer Settlement Acts.	.....	Mr. Cann.....	4 March .....	Not to be printed.	
Papers .....	relating to the purchase of the Monier Pipe Works of Gummow, Forrest and Company, Limited.	.....	Mr. Ashford .....	5 March .....	To be printed.	
Return .....	respecting prosecutions initiated for strikes and fines imposed during the past three years.	.....	Mr. Estell .....	11 March .....	To be printed.	
Gazette Notices.....	setting forth the mode in which it is proposed to deal with the dedication of certain lands under the Crown Lands Consolidation Act, 1913.	.....	Mr. Treflé .....	11 March .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for the Tarce to Wauchope Railway, Part I.	.....	Mr. Griffith.....	11 March .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for the Tarce to Wauchope Railway, Part II.	.....	Mr. Griffith.....	11 March .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for the Wyalong to Lake Cudgellico Railway.	.....	Mr. Griffith.....	11 March .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for the Muswellbrook to Merriwa Railway.	.....	Mr. Griffith.....	11 March .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, at St. Peters for Sewerage of the City of Sydney and its Suburbs .....	.....	Mr. Griffith.....	11 March .....	Not to be printed.	

Assembly Reading Room, Legislative Assembly,  
Sydney, 12th March, 1914.

THOMAS HENLEY,  
Chairman.

1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 2.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 11th March, 1914, a.m., Votes No. 4, Entry 11, have agreed to report to your Honourable House in relation to the papers referred to them since their Report No. 1, dated 12th March, 1914, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
				1914.		
Thirty-fifth General Report .....	of the Parliamentary Standing Committee on Public Works .....	.....	Mr. Holman .....	12 March.....	To be printed.	
Notification .....	of resumption of Land, under the Public Works Act, 1912, for Railway Traffic at Hexham.	.....	Mr. Hoyle .....	17 March.....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for Duplication of the Railway between Marulan and Goulburn.	.....	Mr. Hoyle .....	17 March.....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for Railway Traffic near Lidcombe.	.....	Mr. Hoyle .....	17 March.....	Not to be printed.	
By-laws .....	regulating the Water Supply of the Municipality of Wellington, under the Country Towns Water and Sewerage Acts, 1880-1905.	.....	Mr. Cann.....	18 March.....	Not to be printed.	
By-laws .....	regulating the Water Supply of the Municipality of Cooma, under the Country Towns Water and Sewerage Acts, 1880-1905.	.....	Mr. Cann.....	18 March.....	Not to be printed.	
Abstract.....	of Crown lands intended to be dedicated to Public Purposes, under the Crown Lands Consolidation Act, 1913.	.....	Mr. Treflé .....	18 March.....	Not to be printed.	
Gazette Notices.....	setting forth the mode in which it is proposed to deal with the Dedication of certain Lands, under the Crown Lands Consolidation Act, 1913.	.....	Mr. Treflé .....	18 March.....	Not to be printed.	
Statement .....	of Balances of Appropriations of the year 1912-1913, written off as savings on 30th June, 1913.	.....	Mr. Hoyle .....	18 March.....	To be printed.	
Police Reports .....	regarding assaults by Rural Workers alleged to have taken place in the Coolamon District.	.....	Mr. Estell .....	19 March .....	To be printed.	

*Assembly Reading Room, Legislative Assembly,  
Sydney, 19th March, 1914.*

THOMAS HENLEY,  
Chairman.



131  
90871  
88-

1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 3.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 11th March, 1914, a.m., Votes No. 4, Entry 11, have agreed to report to your Honourable House in relation to the papers referred to them since their Report No. 2, dated 19th March, 1914, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return .....	showing operations of the State Bakery from 9th to 14th March, 1914, inclusive.	.....	Mr. Cann.....	1914. 24 March.....	To be printed.	Already in print.
Regulations .....	under the Crown Lands Consolidation Act, 1913, and Rules having reference to the Land Appeal Court.	.....	Mr. Treflé .....	24 March.....	To be printed .....	
Reports .....	by the Public Service Board regarding the appointment of certain Officers of the Department of Agriculture under the provisions of section 36 of the Public Service Act, 1902.	.....	Mr. Ashford .....	24 March.....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for the Maitland to South Grafton Railway.	.....	Mr. Cann.....	25 March.....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1912, for Wharfage Improvements at Newcastle.	.....	Mr. Cann.....	25 March.....	Not to be printed.	
Gazette Notices.....	setting forth the mode in which it is proposed to deal with the Dedication of certain Lands, under the Crown Lands Consolidation Act, 1913.	.....	Mr. Treflé .....	25 March.....	Not to be printed.	
Amended Regulations.....	under the Irrigation Act, 1912 .....	.....	Mr. Griffith .....	26 March.....	Not to be printed.	
Return .....	respecting certain Railway Works in course of construction .....	.....	Mr. Griffith .....	26 March.....	To be printed.	
Return .....	showing total expenditure on Public Works at Port Kembla .....	.....	Mr. Griffith .....	26 March.....	To be printed.	
Report .....	of the Harbour Improvement and Dredging Conference on the proposed Northern Breakwater, Clarence River.	.....	Mr. Griffith .....	26 March.....	To be printed.	

Assembly Reading Room, Legislative Assembly,  
Sydney, 26th March, 1914.

THOMAS HENLEY,  
Chairman.





1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 4.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 11th March, 1914, a.m.; Votes No. 4, Entry 11, have agreed to report to your Honourable House in relation to the Papers referred to them since their Report No. 3, dated 26th March, 1914, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Regulations .....	under the Careless Use of Fire Act, 1912, for controlling burning-off operations within the Culcairn Shire.	.....	Mr. Cann .....	1914. 27 March .....	Not to be printed.	
Report .....	of the Coast Hospital, Sydney, for 1912 .....	.....	Mr. Cann .....	27 March .....	To be printed .....	Already in print.
Regulations .....	under the Fisheries (Amendment) Act, 1910 .....	.....	Mr. Cann .....	27 March .....	To be printed .....	Already in print.
Report .....	of the President of the State Children Relief Board for the year ended 5th April, 1913.	.....	Mr. Carmichael .....	30 March .....	To be printed .....	Already in print.
Return ( <i>in part</i> ) .....	to an Order, made on 17th March, 1892—"Convictions under the Liquor Acts."	Mr. Garrard .....	Mr. D. R. Hall .....	30 March .....	To be printed.	
Return .....	showing the surrender and allotment of lands under the provisions of the Closer Settlement Promotion Act, 1910, from 30th December, 1913, to 7th March, 1914.	.....	Mr. Trefic .....	30 March .....	To be printed.	
Reports .....	by the Public Service Board regarding the appointment, under section 36 of the Public Service Act, 1902, of certain officers of the Department of Agriculture.	.....	Mr. Ashford .....	30 March .....	Not to be printed.	
Report .....	of the Board of Fire Commissioners of New South Wales, for 1913	.....	Mr. Cann .....	31 March .....	To be printed .....	Already in print.
Notification .....	of resumption of land under the Public Works Act, 1912, for the Parkes to Peak Hill railway.	.....	Mr. Cann .....	1 April .....	Not to be printed.	
Amended Rules .....	Nos. 5 and 28 of the Land Appeal Court, and Amended Forms Nos. 9 and 10, under the Crown Lands Consolidation Act, 1913.	.....	Mr. Cann .....	1 April .....	Not to be printed.	
Report .....	of the Department of Mines, for 1913 .....	.....	Mr. Cann .....	2 April .....	To be printed .....	Already in print.

*Assembly Reading Room, Legislative Assembly,  
Sydney, 2nd April, 1914.*

THOMAS HENLEY,  
Chairman.



1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 5.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 11th March, 1914 A.M., Votes No. 4, Entry 11, have agreed to report to your Honourable House in relation to the papers referred to them since their Report No. 4, dated 2nd April, 1914, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table	When laid upon Table.	Recommended by the Committee.	Remarks.
				1914.		
Regulations .....	under the Metropolitan Traffic Act, 1900. ....	.....	Mr. Cann .....	2 April .....	Not to be printed.	
Regulations .....	under the Motor Traffic Act, 1909. ....	.....	Mr. Cann .....	2 April .....	Not to be printed.	
Amended regulation .....	No. 56, Amended Form No. 30, and Additional Form, No. 29A, under the Pastures Protection Act, 1912.	.....	Mr. Treflé .....	3 April .....	Not to be printed.	
By-laws .....	of the Municipality of Armidale, under the Country Towns Water and Sewerage Acts, 1880-1905.	.....	Mr. Cann .....	3 April .....	Not to be printed.	
Notification .....	of appropriation of land, under the Public Works Act, 1912, for railway traffic at Harden.	.....	Mr. Hoyle .....	6 April .....	Not to be printed.	
Notification .....	of appropriation and resumption of land, under the Public Works Act, 1912, for duplicating and deviating the Great Southern Railway between Cullerin and Harden.	.....	Mr. Hoyle .....	6 April .....	Not to be printed.	
Return .....	showing the length and cost of construction of Roads in the Tweed Shire.	.....	Mr. Treflé .....	6 April .....	Not to be printed.	
Particulars.....	of Western Lands Leases issued under the provisions of the Western Lands Acts, to 1st April, 1914.	.....	Mr. Treflé .....	7 April .....	Not to be printed.	

Assembly Reading Room, Legislative Assembly,  
Sydney, 7th April, 1914.

R. T. BATE,  
Temporary Chairman.



1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 6.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 11th March, 1914, a.m., Votes No. 4, Entry 11, have agreed to report to your Honourable House in relation to the Papers referred to them since their Report No. 5, dated 7th April, 1914, as follows :—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report .....	of the Fisheries Department for 1910, 1911, 1912, and 1913, together with an Inspectorial Review of the Coastal and Estuarine Fisheries and Oyster Fisheries of New South Wales.	.....	Mr. Cann .....	1914. 7 April .....	To be printed.	
Statement .....	showing proposed expenditure on works in progress or authorised for the construction of Dressing Rooms and other Bathing accommodation at seaside resorts.	.....	Mr. Cann .....	8 April .....	To be printed.	
Regulations .....	under the Careless Use of Fire Act, 1912, for controlling burning-off operations within the Talbragar Shire.	.....	Mr. Cann .....	8 April .....	Not to be printed	
Notification .....	of appropriation of land, under the Public Works Act, 1912, for maintaining the traffic on the railway between Moree and Garah at Moree.	.....	Mr. Hoyle .....	8 April .....	Not to be printed.	

*Assembly Reading Room, Legislative Assembly,  
Sydney, 8th April, 1914.*

THOMAS HENLEY,  
Chairman.



1914.  
 \_\_\_\_\_  
 LEGISLATIVE ASSEMBLY.  
 NEW SOUTH WALES.  
 \_\_\_\_\_

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING THE SESSION OF 1914.

*None.*

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING FORMER SESSIONS.

No. OF ADDRESS OR ORDER.	WHEN PASSED.			ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.
	VOTES.				By Address.	By Order.			Date of Order.
	No.	Date.	Entry.						
104	103	1892. 17 March .....	5	Mr. Garrard .....	.....	Convictions under the Liquor Acts .....	30 March 1914.	1914/257	1914. 2 April.



1914.

REGISTER OF ADDRESSES (*NOT BEING FOR PAPERS*) TO THE GOVERNOR, DURING THE SESSION OF 1914.

SUBJECT OF ADDRESS.	ORIGINATED IN THE ASSEMBLY.				WHEN PASSED OR AGREED TO.			- WHEN AND HOW PRESENTED.				WHEN AND HOW ANSWERED.				REMARKS.
	VOTES.				VOTES.			VOTES.				VOTES.				
	No.	Date.	Entry.	On whose Motion.	No.	Date.	Entry.	No.	Date.	Entry.	By whom.	No.	Date.	Entry.	By whom and how.	
The Governor's Opening Speech .....	1	1914. 3 March	17	Mr. Lang.....	4	1914. 11 March a.m.	4	5	1914. 11 March	1	Mr. Speaker, accompanied by the House.	5	1914. 11 March	1	His Excel- lency the Governor.	.....

Legislative Assembly Office,  
Sydney, 18th April, 1914.

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

1914.

---

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

---

ELECTION PETITION—LYNCH *v.* GRIMM—ASHBURNHAM.

---

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

7 April, 1914.

---

SYDNEY : WILLIAM APPLIGATE GULLICK, GOVERNMENT PRINTER.

†90477 121—A

1914.  
[1s. 3d.]

## TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings .....	3
Report .....	7
Proceedings of the Committee .....	
List of Witnesses .....	13
Minutes of Evidence .....	15

1914.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE  
LEGISLATIVE ASSEMBLY.

ELECTION PETITION—LYNCH *v.* GRIMM—ASHBURNHAM.

VOTES No. 1. TUESDAY, 3 MARCH, 1914.

8. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

*“ By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.*

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—

“ Richard Thomas Ball, Esquire,	William Calman Grahame, Esquire,
“ George Black, Esquire,	Augustus George Frederic James, Esquire,
“ Thomas Simpson Crawford, Esquire,	Daniel Levy, Esquire, and
“ John Charles Lucas Fitzpatrick, Esquire,	Patrick Joseph Minahan, Esquire,—
“ Arthur Rowland Gardiner, Esquire,	

“ being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,  
“ this third day of March, in the year of our Lord one thousand nine hundred and  
“ fourteen.

“ R. D. MEAGHER,  
“ Speaker.”

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment of such Committee.

VOTES No. 1. TUESDAY, 3 MARCH, 1914.

10. ELECTION PETITION (*Ashburnham*) :—Mr. Cann, *by command*, laid upon the Table an Election Petition which had been addressed to His Excellency the Governor from John Patrick Lynch, of Woollahra, representing that at the General Election held in December, 1913, Arthur Hetherington Grimm, of Randwick, and Petitioner, John Patrick Lynch, were each nominated as candidates for election as Members of the Legislative Assembly, for the Electoral District of Ashburnham ; that Petitioner is now and was at the time of such nomination and election a person duly qualified by law to be a candidate for election at such election and to be elected a Member of the said Assembly ; that the Returning Officer for the said Electoral District of Ashburnham declared the number of votes respectively polled for each of the candidates above named to be for the said Arthur Hetherington Grimm three thousand nine hundred and ninety-nine, and for the said John Patrick Lynch three thousand nine hundred and fifty-four, and the said Returning Officer then declared that, irrespectively of absentee votes, one hundred and two informal votes had been recorded at such election for the said district, and further declared the said Arthur Hetherington Grimm to have been elected a Member of the said Assembly for the said district, and afterwards endorsed on the writ for the said election the name of the said Arthur Hetherington Grimm as the person so elected, and duly returned the said writ ; included in the ballot-papers counted by the Returning Officer were four hundred and eighty-nine ballot-papers of absentee voters forwarded to him in pursuance of section 115 of the Parliamentary Electorates and Elections Act, 1912, and out of such number one hundred and sixty-nine were rejected as informal, mainly on the ground that they did not bear the full signature of officers presiding at the various polling-places outside the said Electoral District in which the votes were recorded ; that at the said election the votes polled in and for the said district were incorrectly counted, and that some votes counted for the said Arthur Hetherington Grimm should have been rejected as informal, and other votes which should have been counted for the said John Patrick Lynch were rejected as informal ; that at certain polling-places, and particularly at Goonumbra, certain electors, when recording their votes, did not make the declaration prescribed by law ; that at a polling-place in Narromine, at which electors of the said District of Ashburnham were entitled to record their votes, the Presiding Officer discriminated  
between

between electors recording their votes as absentee voters by signing certain ballot-papers with his full name and only initialling others; that certain votes recorded at the Warge Rock Polling-place in the said Electoral District of Ashburnham in favour of Petitioner, were not counted by the Presiding Officer presiding at such polling place; that in many other respects the said election was not conducted according to law; and praying that this Petition may be dealt with according to law; that an inquiry may be made as to the various allegations in this Petition; that a scrutiny of all ballot-papers, formal and informal, used and unused, in connection with the said election may be made by the Committee of Elections and Qualifications of the said Assembly; that a recount of the said ballot-papers and of votes recorded thereby may be made by the said Committee; that it may be declared that the said Arthur Hetherington Grimm was not duly elected at the said election as a Member for the said Electoral District at the said election; that it may be declared and determined that Petitioner was duly elected at the said election as a Member of the said Assembly for the said Electoral District; or that in the alternative it may be declared that the said election was wholly void; and that such further or other relief in the premises as may be deemed just and necessary may be granted.

Ordered to lie upon the Table.

---

VOTES No. 5. WEDNESDAY, 11 MARCH, 1914.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Tuesday, 3rd March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee, and intimated that it was, therefore, open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.

(2.) *Resignation of Member*:—Mr. Speaker reported that he had received a letter from Patrick Joseph Minahan, Esquire, resigning his seat as Member of the Committee of Elections and Qualifications.

(3.) *Warrant appointing Member to fill vacancy*:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing Robert James Stuart-Robertson, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

*“By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.*

“PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—

“Robert James Stuart-Robertson, Esquire,”

“being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Patrick Joseph Minahan, Esquire, resigned.

“Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney, this eleventh day of March, in the year of our Lord one thousand nine hundred and fourteen.

“R. D. MEAGHER,  
“Speaker.”

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment.

(4.) *Members Sworn*:—Richard Thomas Ball, Esquire, George Black, Esquire, Thomas Simpson Crawford, Esquire, Arthur Rowland Gardiner, Esquire, William Calman Grahame, Esquire, and Daniel Levy, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee of Elections and Qualifications.

---

VOTES No. 7. TUESDAY, 17 MARCH, 1914.

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—MEMBERS SWORN:—John Charles Lucas Fitzpatrick, Esquire, and Augustus George Frederic James, Esquire, came to the Table, and were sworn by the Clerks as Members of the Committee of Elections and Qualifications.

---

VOTES No. 9. THURSDAY, 19 MARCH, 1914.

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, appointing Robert James Stuart-Robertson, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 11th March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment, and intimated that it was therefore open to the Honorable Member to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.

(2.)

- (2.) *Member Sworn* :—Robert James Stuart-Robertson, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.
- (3.) *First Meeting of Committee* :—Pursuant to the requirement of the 159th section of the Parliamentary Electorates and Elections Act, 1912, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at Twelve o'clock noon, on Tuesday next, in No. 2 Committee Room.
- (4.) *Election Petitions* :—Mr. Arthur Griffith moved, That the following Election Petitions, laid upon the Table of this House on Tuesday, 3rd March, 1914, be referred to the Committee of Elections and Qualifications :—
- (1.) From John Patrick Lynch, with reference to the election and return of Arthur Hetherington Grimm as Member for the Electoral District of Ashburnham.

\* \* \* \* \*

Question put and passed.

VOTES No. 10. TUESDAY, 24 MARCH, 1914.

3. ELECTIONS AND QUALIFICATIONS COMMITTEE :—

- (1.) *Resignation of Member* :—Mr. Speaker reported that he had received a letter from George Black, Esquire, resigning his seat as Member of the Committee of Elections and Qualifications.
- (2.) *Warrant appointing Member to fill vacancy* :—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing William Fraser Dunn, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

“By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.

“PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—

“William Fraser Dunn, Esquire,”

“being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of George Black, Esquire, resigned.

“Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney, this twenty-fourth day of March, in the year of our Lord one thousand nine hundred and fourteen.

“R. D. MEAGHER,  
“Speaker.”

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment.

VOTES No. 14. MONDAY, 30 MARCH, 1914.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

- (1.) *Maturity of Warrant reported* :—Mr. Speaker reported that his Warrant, appointing William Fraser Dunn, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, laid upon the Table on Tuesday, 24th March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment, and intimated that it was therefore open to the Honorable Member to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.
- (2.) *Member Sworn* :—William Fraser Dunn, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 18. TUESDAY, 7 APRIL, 1914.

10. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—(ELECTION PETITION—LYNCH V. GRIMM—*Ashburnham*):—Mr. T. S. Crawford, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Committee of Elections and Qualifications, to whom was referred, on the 19th March, 1914, the Petition of John Patrick Lynch against the return of Arthur Hetherington Grimm, Esquire, as Member for the Electoral District of Ashburnham.

And the said Report was read at length by the Clerk, by direction of Mr. Speaker, as follows :—

“The Committee of Elections and Qualifications, duly appointed on 3rd March, 1914, to whom was referred, on 19th March, 1914, a Petition from John Patrick Lynch against the return of Arthur Hetherington Grimm, Esquire, as Member for the Electoral District of  
“Ashburnham,

"Ashburnham, have determined and do hereby declare :—

"(1.) That Arthur Hetherington Grimm, Esq., the sitting Member, was duly elected for the Electoral District of Ashburnham.

"(2.) That the Petition of John Patrick Lynch, Esquire, is not frivolous nor vexatious.

"(3.) That the Committee make no award as to costs.

The Committee also desire to bring under the notice of the Government,—

"That they strongly disapprove of the method in which the Election was conducted with regard to the initialling, signing, and counting of the Ballot-papers, and also of the want of care in packing and sealing the Ballot-papers after the Election.

"They also desire to call attention to the fact that a number of absent votes from other Electorates were initialled instead of being signed, and recommend that this fact should be brought under the notice of Returning Officers generally.

"T. S. CRAWFORD,  
"Chairman.

"No. 3 Committee Room, Legislative Assembly,  
"Sydney, 6 April, 1914."

Mr. Crawford moved, That the Report and Minutes of Proceedings and Evidence be printed.  
Question put and passed.

1914.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

---

 ELECTION PETITION—LYNCH v. GRIMM.—ASHBURNHAM.
 

---

## REPORT FROM THE COMMITTEE

OF

## ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on the 3rd March, 1914, to whom was referred, on the 19th March, 1914, a Petition from John Patrick Lynch against the return of Arthur Hetherington Grimm, Esquire, as Member for the Electoral District of Ashburnham, have determined and do hereby declare:—

1. That Arthur Hetherington Grimm, Esquire, the sitting Member, was duly elected for the Electoral District of Ashburnham.
2. That the petition of John Patrick Lynch, Esquire, is not frivolous nor vexatious.
3. That the Committee make no award as to costs.

The Committee also desire to bring under the notice of the Government:—

That they strongly disapprove of the method in which the election was conducted with regard to the initialling, signing, and counting of the ballot-papers, and also of the want of care in packing and sealing the ballot-papers after the election.

They also desire to call attention to the fact that a number of absent votes from other electorates were initialled instead of being signed, and recommend that this fact should be brought under the notice of Returning-Officers generally.

T. S. CRAWFORD,  
Chairman.

No 3 Committee Room,  
Legislative Assembly,  
Sydney, 6th April, 1914.

---

 MINUTES



1914.

MINUTES OF PROCEEDINGS OF THE COMMITTEE OF ELECTIONS  
AND QUALIFICATIONS.

ELECTION PETITION—LYNCH v. GRIMM—ASHBURNHAM.

(In the matter of the Petition addressed to His Excellency the Governor from John Patrick Lynch, alleging that for the reasons therein stated the Petitioner should be declared duly elected as Member of the Legislative Assembly for the Electoral District of Ashburnham, or that the election should be declared wholly void.)

TUESDAY, 24 MARCH, 1914.

MEMBERS PRESENT :—

Mr. Ball,	Mr. Gardiner,
Mr. T. S. Crawford,	Mr. Grahame,
Mr. J. C. L. Fitzpatrick,	Mr. James,
Mr. Stuart-Robertson.	

In attendance,—

The Second Clerk Assistant.

1. Mr. Ball moved,—That Mr. James be elected Chairman.  
Mr. Stuart-Robertson moved,—That Mr. T. S. Crawford be elected Chairman.  
Question put by Mr. Ball,—That Mr. James be elected Chairman.  
Committee divided.

Ayes, 3.

Mr. Ball,  
Mr. J. C. L. Fitzpatrick,  
Mr. James.

Noes, 4.

Mr. T. S. Crawford,  
Mr. Gardiner,  
Mr. Grahame,  
Mr. Stuart-Robertson.

And so it passed in the negative.

Question,—That Mr. T. S. Crawford be elected Chairman,—put and passed.

Mr. Crawford then thanked the Committee for the honor conferred upon him, and took the Chair.

2. The Clerk, by direction of the Chairman, read the Extracts from the Votes and Proceedings in reference to—
  - (1.) The appointment of the Committee.
  - (2.) The resignation of P. J. Minahan, Esq., as a Member of the Committee, and the issue of a Warrant by Mr. Speaker appointing R. J. Stuart-Robertson, Esq., a Member in room thereof. [Vide Extracts, pages 3, 4, and 5.]
3. Committee deliberated, and decided to proceed with the Petitions in the order of presentation to the House, viz., Ashburnham, Durham, and Macquarie.
4. The Clerk, by direction of the Chairman, read the Extract from the Votes and Proceedings by which the Petition of John Patrick Lynch was referred to the Committee. (Vide Extracts, pages 3 and 4.)
5. The Clerk then, by direction of the Chairman, read the Petition of John Patrick Lynch, to which a Bank deposit receipt was attached, as follows :—

To His Excellency Sir GERALD STRICKLAND, Governor of the State of New South Wales and its Dependencies in the Commonwealth of Australia.

MAY IT PLEASE YOUR EXCELLENCY,—

The humble Petition of John Patrick Lynch, of 230 Grafton-street, Woollahra,

Showeth :—

1. That a General Election was held on the sixth day of December, one thousand nine hundred and thirteen, for the return of Members to serve in the Legislative Assembly of the State of New South Wales, and Arthur Hetherington Grimm, of Randwick, in the said State, and your Petitioner, John Patrick Lynch, were each nominated as candidates for election as Members of the said Assembly, for the Electoral District of Ashburnham.

2. That your Petitioner is now and was at the time of such nomination and election a person duly qualified by law to be a candidate for election at such election and to be elected a Member of the said Assembly.

3. That in December, one thousand nine hundred and thirteen, the Returning Officer for the said Electoral District of Ashburnham declared the number of votes respectively polled for each of the candidates above named to be for the said Arthur Hetherington Grimm 3,999, and for the said John Patrick Lynch 3,954, and the said Returning Officer then declared that, irrespectively of absentee votes, 102 informal votes had been recorded at such election for the said district, and further declared the said Arthur Hetherington Grimm to have been elected a Member of the said Assembly for the said district, and afterwards endorsed on the writ for the said election the name of the said Arthur Hetherington Grimm as the person so elected, and duly returned the said Writ.

4. Included in the ballot-papers counted by the Returning Officer were 489 ballot-papers of absentee voters forwarded to him in pursuance of section 115 of the "Parliamentary Electorates Elections Act, 1912," and out of such number 169 were rejected as informal, mainly on the ground that they did not bear the full signature of officers presiding at the various Polling-places outside the said Electoral District in which the votes were recorded.

5. That at the said Election the votes polled in and for the said District were incorrectly counted, and that some votes counted for the said Arthur Hetherington Grimm should have been rejected as informal, and other votes which should have been counted for the said John Patrick Lynch were rejected as informal.

6. That at certain Polling-places, and particularly at Coonumbra, certain electors when recording their votes did not make the Declaration prescribed by law.

7. That at a Polling-place in Narronine, at which electors of the said District of Ashburnham were entitled to record their votes, the Presiding Officer discriminated between electors recording their votes as Absentee Voters by signing certain ballot-papers with his full name and only initialling others.

8. That certain votes recorded at the Warge Rock Polling place, in the said Electoral District of Ashburnham, in favour of Your Petitioner, were not counted by the Presiding Officer presiding at such Polling-place.

9. That in many other respects the said election was not conducted according to law.

Your Petitioner, therefore, humbly prays:—

1. That this Petition may be dealt with according to law.
2. That an inquiry may be made as to the various allegations in this Petition.
3. That a scrutiny of all ballot-papers, formal and informal, used and unused in connection with the said election, may be made by the Committee of Elections and Qualifications of the said Assembly.
4. That a recount of the said ballot-papers and of the votes recorded thereby may be made by the said Committee.
5. That it may be declared that the said Arthur Hetherington Grimm was not duly elected at the said Election as a Member for the said Electoral District at the said Election.
6. That it may be declared and determined that your Petitioner was duly elected at the said Election as a member of the said Assembly for the said Electoral District; or that in alternative it may be declared that the said Election was wholly void.
7. That such further or other relief in the premises as may be deemed just and necessary may be granted.

And your Petitioner will ever pray, &c.

Dated at Sydney, this fourth day of February, one thousand nine hundred and fourteen.

(Signed) JOHN PATRICK LYNCH,  
Petitioner.

Sydney, 6 February, 1914.

Paid into the Bank of New South Wales, to be placed to the credit of Richard Denis Meagher, the sum of fifty pounds, by the hands of J. P. LYNCH.

Bank of New South Wales. Duplicate. 6 Feb., 1914.

The Bank will not be responsible for details forming the total of this deposit.—(Signed) W. J. BLAND, Teller.  
Notes, £50.

6. The Clerk then submitted a letter from the Honorable the Speaker, enclosing a certified copy of a letter from Arthur H. Grimm, the Sitting Member for Ashburnham, giving notice of his intention to defend his seat, which he read as follows:—

The Speaker's Room, Legislative Assembly,  
Sydney, 24th March, 1914.

To the Committee of Elections and Qualifications.  
Gentlemen,

I have the honor to transmit to you herewith a copy of a letter, which has been received by me from Arthur Hetherington Grimm, Esquire, the sitting Member for Ashburnham, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

I have, &c.,  
(Signed) R. D. MEAGHER,  
Speaker.

[Enclosure.]

Sir,

Parliament House, Sydney, 31 March, 1914.

In accordance with the 167th section of the Parliamentary Electorates and Elections Act of 1912, I have the honor to inform you that it is my intention to defend my seat as Member for the Electoral District of Ashburnham before the Committee of Elections and Qualifications, in reference to the Petition from John Patrick Lynch touching the validity of my election and return as Member for the said Electoral District.

I have, &c.,  
(Signed) ARTHUR H. GRIMM.

The Honorable the Speaker of the Legislative Assembly.

A true Copy,—(Sgd) R. D. MEAGHER, Speaker.

7. Parties called in.

*Present*:—John Patrick Lynch, Esquire (*the Petitioner*).

Arthur Hetherington Grimm, Esquire (*the sitting Member*).

8. Mr. Lynch addressed the Committee, and said that he only required a recount, and did not wish to call any evidence, he only wished to proceed with clauses 4 and 5 of the Petition.

9. Mr. Grimm addressed the Committee, and said that he did not object to a recount.

10. Committee deliberated and adjourned until 3 o'clock p.m. this day.

11. Committee resumed at the hour named, the same Members being present.

12. Richard Aldous Arnold (*Clerk of the Legislative Assembly*) called in, sworn, and examined.

Witness produced Writ of Election, certifying to the return of Arthur Hetherington Grimm as member for the Electoral District of Ashburnham.

Witness also produced four bags and one parcel of ballot-papers, used at the Election, which he had received from the Returning Officer.

Witness withdrew.

13. Room cleared.

Committee deliberated as to whether absent voters' ballot-papers which had been initialled were to be considered as formal or informal.

(Committee adjourned until To-morrow at 5 o'clock.)

S. G. BOYDELL,  
Second Clerk Assistant.

WEDNESDAY, 25 MARCH, 1914.

MEMBERS PRESENT:—

Mr. T. S. Crawford in the Chair.

Mr. Ball,		Mr. Grahame,
Mr. J. C. L. Fitzpatrick,		Mr. James,
Mr. Gardiner,		Mr. Levy,
	Mr. Stuart-Robertson.	

In attendance,—

The Second Clerk Assistant.

1. Mr. Levy raised the point as to whether the Committee could sit during the sittings of the House without leave of the House. The Chairman pointed out that it was customary for the Committee to regulate its own sittings. Mr. James moved,—That the Committee sit during the sittings of the House.

Question put—Committee divided.

Ayes, 6.

Mr. T. S. Crawford,  
Mr. James,  
Mr. Stuart-Robertson,  
Mr. Gardiner,  
Mr. Ball,  
Mr. Grahame.

Noes, 2.

Mr. J. C. L. Fitzpatrick,  
Mr. Levy.

And so it was resolved in the affirmative.

2. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
3. Parties called in:  
*Present*,—Arthur Hetherington Grimm, Esquire (*the sitting Member*).
4. Committee further deliberated as to whether Absent Voters' Ballot-papers, which had been initialled, were to be considered as formal or informal.

(Committee adjourned until To-morrow, at 3 o'clock.)

S. G. BOYDELL,  
Second Clerk Assistant.

THURSDAY, 26 MARCH, 1914.

MEMBERS PRESENT:—

Mr. T. S. Crawford in the Chair.

Mr. J. C. L. Fitzgerald,		Mr. Grahame,
Mr. Gardiner,		Mr. James,
	Mr. Stuart-Robertson.	

In attendance,—

The Second Clerk assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Committee deliberated.  
*Ordered*,—That Mr. Coghlan, the Chief Electoral Officer, be summoned to give evidence at the next meeting.

(Committee adjourned until to-morrow, at 2.15 o'clock.)

S. G. BOYDELL,  
Second Clerk Assistant.

FRIDAY, 27 MARCH, 1914.

MEMBERS PRESENT:—

Mr. T. S. Crawford in the Chair.

Mr. James,		Mr. Gardiner,
Mr. Ball,		Mr. Grahame,
Mr. Levy,		Mr. J. C. L. Fitzpatrick,
	Mr. Stuart-Robertson.	

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.  
*Present*,—Arthur Hetherington Grimm, Esq. (*the sitting Member*).
3. Frederick Albert Coghlan (*Chief Electoral Officer*), called in, sworn, and examined,—  
Witness produced,—
  1. Statement showing general state of the roll for Ashburnham.
  2. Telegram sent to Returning Officers *re* formality of absent votes.
  3. Telegram from Returning Officer for Ashburnham as to absent votes being initialled only.
  4. Instructions to Returning Officers.

The Clerk, by direction of the Chairman, read section 117 of the Parliamentary Electorates and Elections Act, 1912.

Witness further examined.

Witness withdrew.

4. Mr. James moved,—That all absent voters ballot-papers which are initialled by the Returning Officer or Deputy Returning Officer, instead of being signed as provided by the Act, shall be regarded as informal, on that ground.

Question.

11

Question put—Committee divided :—

Ayes, 7.  
 Mr. James,  
 Mr. Ball,  
 Mr. J. C. L. Fitzpatrick,  
 Mr. Gardiner,  
 Mr. T. S. Crawford,  
 Mr. Levy,  
 Mr. Graham.

Noes, 1.  
 Mr. Stuart-Robertson.

And so it was resolved in the affirmative.

Mr. Stewart-Robertson dissented on the ground that the initials were sufficient for identification.

4. Room cleared.

Committee deliberated.

Mr. Gardiner moved,—That an examination of the 103 Absent Votes, which were declared informal, be made.

Question put—Committee divided :—

Ayes, 7.  
 Mr. James,  
 Mr. Ball,  
 Mr. Levy,  
 Mr. Grahame,  
 Mr. Gardiner,  
 Mr. Stuart-Robertson,  
 Mr. T. S. Crawford.

Noes, 1.  
 Mr. J. C. L. Fitzpatrick.

Question resolved in the affirmative.

5. Committee proceeded with the examination of Absent Votes.

6. *Ordered*,—That the Officer-in-Charge of Local Option Votes, Justice Department, be summoned to produce the two bags received from the Legislative Assembly, for the Electoral District of Ashburnham, containing Local Option Votes, in order that the Committee may examine them for missing absent votes.

7. *Ordered*,—That the Returning Officer for Ashburnham be summoned for Monday next.

(Committee adjourned until Monday next, at 2:15 o'clock.)

S. G. BOYDELL,

*Second Clerk Assistant.*

MONDAY, 30 MARCH, 1914.

MEMBERS PRESENT :—

Mr. T. S. Crawford, in the chair.

Mr. Ball,  
 Mr. James,  
 Mr. Gardiner,

Mr. J. C. L. Fitzpatrick,  
 Mr. Grahame,  
 Mr. Stuart-Robertson.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.

2. Parties called in.

*Present*,—Arthur Hetherington, Grimm, Esq. (*the Sitting Member*.)

3. Henry Webster (*Returning-Officer for the Electoral District of Ashburnham*), called in, sworn, and examined.

Witness withdrew.

4. Edward Henry Kelly (*Clerk in the Department of the Attorney-General and of Justice*) called in, sworn and examined.

Witness produced two bags of local option ballot-papers for the Electoral District of Ashburnham, also letter forwarding same from the Clerk of the Legislative Assembly.

Witness withdrew.

5. Mr. Ball moved,—That the Committee examine the two bags of Local Option Ballot Papers produced by Mr. Kelly.

Question put and passed.

Committee proceeded with the examination.

6. Henry Webster, recalled, and further examined.

Witness produced letter from Clerk of the Assembly acknowledging receipt of ballot papers, also other letters received by him bearing on the election.

Witness withdrew.

7. Mr. Grahame moved,—That all the absent voters' ballot-papers be examined.

Question put and passed.

Committee proceeded with the examination.

8. Frederick Albert Coghlan (*Chief Electoral Officer*), recalled and further examined.

Witness withdrew.

9. Henry Webster, recalled, and further examined.

Witness withdrew.

10. Committee deliberated.

*Ordered*,—That Mr. Lynch (*the Petitioner*) be asked to attend on Thursday next, at 2:15 o'clock.

11. Committee then proceeded with the petition of Walter Bennett v. William Brown—Durham.

\* \* \* \* \*

S. G. BOYDELL,

*Second Clerk Assistant.*

TUESDAY,

TUESDAY, 31 MARCH, 1914.

MEMBERS PRESENT :—

Mr. T. S. Crawford in the Chair.

Mr. Ball,  
Mr. Dunn,  
Mr. J. C. L. Fitzpatrick,

Mr. Gardiner,  
Mr. Grahame,  
Mr. James,

Mr. Stuart-Robertson.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Clerk, by direction of the Chairman, read the Extracts from the Votes and Proceedings in reference to the resignation of George Black, Esq., and the issue of a warrant by Mr. Speaker appointing William Fraser Dunn, Esq., a Member in room thereof.
3. Mr. Fitzpatrick moved,—That the sum of £7 12s. 8d. be paid to Mr. Henry Webster, the Returning-Officer for the Electoral District of Ashburnham, summoned by this Committee to give evidence in case of *Lynch v. Grimm, Ashburnham*—such sum to be paid by the Government.  
Question put and passed.
4. The Clerk submitted a telegram from Mr. Lynch to the effect that he would not be able to be present on Thursday, but could be present on Tuesday.
5. Committee then proceeded with the petition of *Walter Bennett v. William Brown—Durham*.

\* \* \* \* \*

S. G. BOYDELL,  
*Second Clerk Assistant.*

THURSDAY, 2 APRIL, 1914.

MEMBERS PRESENT :—

Mr. T. S. Crawford in the Chair.

Mr. Gardiner,  
Mr. J. C. L. Fitzpatrick,

Mr. Stuart-Robertson,  
Mr. Grahame.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Chairman read a telegram from Mr. Lynch, stating he could not attend to-day, and requesting the Chairman to defer the hearing of his case until Tuesday next.
3. Committee deliberated.

(Committee adjourned until 7.15 p.m. this day.)

S. G. BOYDELL,  
*Second Clerk Assistant.*

THURSDAY, 2 APRIL, 1914.

MEMBERS PRESENT :—

Mr. T. S. Crawford in the Chair.

Mr. James,  
Mr. Gardiner,  
Mr. Stuart-Robertson,

Mr. J. C. L. Fitzpatrick,  
Mr. Grahame,  
Mr. Dunn.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.  
\* \* \* \* \*
2. Committee deliberated, and decided to continue the hearing of the case *Lynch v. Grimm (Ashburnham)* on Monday next.
3. Mr. Gardiner moved,—“That an examination be made of the 102 informal votes, Ashburnham Electorate, on Monday next.”  
Question put and passed.

(Committee adjourned until Monday next, at 2.15 o'clock.)

S. G. BOYDELL,  
*Second Clerk Assistant.*

MONDAY, 6 APRIL, 1914.

MEMBERS PRESENT :—

Mr. T. S. Crawford in the Chair.

Mr. Ball,  
Mr. Dunn,  
Mr. Gardiner,

Mr. Grahame,  
Mr. James,  
Mr. Stuart-Robertson.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in :—  
*Present* :—Arthur Hetherington Grimm, Esquire (*the sitting Member*).

3. Committee proceeded with an examination of the 102 informal votes.  
4. Room cleared.

Committee deliberated.

5. Mr. James moved,—  
(1) That Arthur Hetherington Grimm, Esquire, the sitting Member, was duly elected for the Electoral District of Ashburnham.  
(2) That the petition of John Patrick Lynch, Esquire, is not frivolous nor vexatious.  
(3) That the Committee make no award as to costs.

Questions put and passed.

6. Mr. James moved,—The Committee also desire to bring under the notice of the Government,—  
That they strongly disapprove of the method in which the Election was conducted with regard to the initialling, signing, and counting of the Ballot-papers, and also of the want of care in packing and sealing the Ballot-papers after the Election.  
They also desire to call attention to the fact that a number of absent votes from other electorates were initialled instead of being signed, and recommend that this fact should be brought under the notice of Returning Officers generally.

Question put and passed.

7. Mr. James moved,—That the conclusions at which the Committee have arrived be embodied in a Report, and presented to the House.

Question put and passed.

(Committee adjourned until To-morrow at 2·15 o'clock.)

S. G. BOYDELL,  
*Second Clerk Assistant.*

---

LIST OF WITNESSES.

	PAGE.
Arnold, Richard Aldous .....	15
Coghlan, Frederick Albert .....	15, 18
Kelly, Edward Henry .....	17
Webster, Henry.....	16, 18, 19

---



## COMMITTEE.

OF

## ELECTIONS AND QUALIFICATIONS.

## ELECTION PETITION—LYNCH v. GRIMM—ASHBURNHAM.

TUESDAY, 24 MARCH, 1914.

Present:

Mr. James.	Mr. Stuart-Robertson.
Mr. J. C. L. Fitzpatrick.	Mr. Gardiner.
Mr. Ball.	Mr. Grahame.

T. S. Crawford, Esq., in the Chair.

Richard Aldous Arnold, called in, sworn, and examined:—

1. *Chairman.*] You are Clerk of the Legislative Assembly? Yes.
2. Do you produce any papers? I produce the writ for the electoral district of Ashburnham, certifying to the election of Arthur Hetherington Grimm.
3. Do you produce any ballot papers? All the ballot papers are here, in four bags and a packet, as received from the Returning Officer.

FRIDAY, 27 MARCH, 1914.

Present:

Mr. James.	Mr. Stuart-Robertson.
Mr. J. C. L. Fitzpatrick.	Mr. Gardiner.
Mr. Ball.	Mr. Grahame.
Mr. Levy.	

T. S. Crawford, Esq., in the Chair.

Arthur Hetherington Grimm, Esq. (*the sitting member*), was present in person.

Frederick Albert Coghlan, called in, sworn, and examined:—

4. *Chairman.*] You are Chief Electoral Officer for the State of New South Wales? Yes.
5. Have you the official returns from the returning-officer of the electoral district of Ashburnham? Yes. I produce the official returns of the general state of the poll. (*Returns handed in.*)
6. Can you tell the Committee from those returns what votes were polled for Mr. Grimm, those polled for Mr. Lynch, the number of informal votes, and the number among those informal votes that were absentee votes? The returns show that the total number polled for Mr. Grimm was 3999, and that for Mr. Lynch 3954. Of those totals, 127 are absent votes for Mr. Grimm, while 194 were polled for Mr. Lynch. These were formal votes. The informal votes numbered 205. Of that total, 103 are absent, as shown by the return. Then there is another return in addition, showing that the number of envelopes rejected unopened was 74.
7. Those, of course, were absentee votes? Yes.
8. If it were stated, then, that there were 169 absentee votes rejected as informal, that would not be correct? Not according to this return.
9. In paragraph 4 of the petition by Mr. Lynch, it is stated:

Included in the ballot papers counted by the returning-officer were 489 ballot papers of absentee voters forwarded to him in pursuance of section 115 of the Parliamentary Electorates and Elections Act, 1912; and out of such number 169 were rejected as informal, mainly on the ground that they did not bear the full signature of the officers presiding at the various polling-places outside the said electoral district in which the votes were recorded.

What have you to say with regard to that? The returning-officer's return shows 127 and 194 absent votes for the respective candidates, and 103 informal, making a total of 424 absent votes. Then he adds to the return in his own writing, "Number of envelopes rejected and unopened, 74"—74 and 424 apparently make up the total number of absentee envelopes that he received, namely, 498. The first return he sent in stated there were 65 rejected envelopes, which would make 489; but in the return he sent in later he gives the number as 74.

10. *Chairman.*] Would those envelopes be rejected because there was something wrong with the declaration on the outside of them? It would be for some reason which he regarded as an irregularity. Without seeing the envelopes I could not possibly say what the particular irregularity was. I may add that in regard to absent votes, on the advice of the Attorney-General, the following telegram was sent to returning officers on the 10th December:—"In scrutiny, absent vote is not informal from mere failure on the part of the voter to give correct address in electorate for which he is enrolled. See section 117 which merely requires returning officer, in regard to this point, to be satisfied that person of name and description of that of person signing declaration is enrolled. If you are so satisfied, ballot-paper must be accepted for re-scrutiny under section 118. Keep careful note of all ballot-papers not signed by returning-officer or deputy returning-officer." [*Telegram handed in.*]



Witness—A. H. Grimm, 24 March, 1914.

11. That telegram was sent to all returning-officers? To all returning-officers.
12. *Mr. Stuart-Robertson*: Can you tell the Committee on whose authority that telegram was sent? On the authority of the Attorney-General.
13. And it was sent by your Department? Yes.
14. Can you state of your own knowledge whether there was any advice sought on the matter from the Justice Department? I could not say how the advice was obtained, but I know that at the time there was considerable agitation in regard to the reading of the section, in the matter of initialling and signing, and it was arising out of that agitation, I think, that the opinion was obtained.
15. *Mr. James*: Was that not on the point as to whether the returning-officer should sign, or whether he should only initial? But that agitation led to a direction being sent to returning-officers in regard to the scrutiny of voting-papers. I think that was the occasion of it, although that was not the point. I do not know of my own knowledge how the telegram came to be sent, but I assume that was the occasion.
16. *Mr. Ball*: As Chief Electoral Officer, you issued printed instructions to all returning-officers? Yes.
17. Do you produce a copy? There are three specific pamphlets issued for the guidance of the particular officers concerned—one for “returning-officers, deputy returning officers, and poll-clerks”; one for “deputy returning-officers and poll-clerks”; and one for “returning-officers.” I produce a copy of each. [*Pamphlets handed in.*]
18. By what authority were those instructions sent out? I issued those in my capacity as Chief Electoral Officer. That is the usual thing before an election.
19. I note, with regard to the question of signing or initialling ballot-papers, that in your instructions to the returning-officers you say “absent voters’ ballot-papers should be signed on the back by the deputy returning-officer?” Yes.
20. Do you hold that under the Act it is necessary to sign absent votes? The section says so.
21. You consider the Act is very clear on that point? There is a discrimination in the Act between the ordinary vote polled in person and that polled by an absentee voter; and in order to emphasise that I had section 115 quoted, as follows:—“Absent voters’ ballot-papers are to be signed”—with the word “signed” in much heavier type than the rest of the wording.
22. As Chief Electoral Officer you hold that the Act makes it clear that an absent voting paper is distinct from the ordinary voting-paper where a vote is recorded in person—that one has to be signed and the other initialled? Section 115, I think, lays it down very definitely that the absent voting-paper is to be signed. Subsection (c) says:—“Each ballot-paper shall be signed on the back by the returning officer or deputy.”
23. Can you say whether the principal returning-officers throughout the State, in accepting and rejecting voting-papers, acted in unison? We communicated with the returning-officers, and we found that so far as Ashburnham was concerned the returning-officer followed that course. His telegram of the 12th December in reply to mine was—  
“Chief Electoral Officer, Sydney—Absent votes initialled only by presiding-officer treated as informal.”
24. Do you know whether, taking it as a rule, other returning-officers throughout the State did the same thing? The following statements were received with regard to the ballot-papers initialled, but not signed by returning-officers:—“Byron, result cannot be altered.” “Camperdown states guided by section 134.”
25. *Mr. Grimm*: I would like to ask if you could supply me with a copy of the envelopes in which the absent votes were recorded? Certainly.
26. Would it not be possible that the backs of those 74 envelopes would indicate whether they were formal by the returning-officer’s signature? They are in the custody of the Committee.
27. The envelope would not disclose it? No.

MONDAY, 30 MARCH, 1914.

Present:

Mr. James.		Mr. Stuart-Robertson.
Mr. J. C. L. Fitzpatrick.		Mr. Gardiner.
Mr. Ball.		Mr. Grahame.

T. S. Crawford, Esq., in the chair.

Arthur Hetherington Grimm, Esq. (the sitting member), was present in person.

Henry Webster, called in, sworn, and examined:—

28. *Chairman*.] You are Returning Officer for the electoral district of Ashburnham? Yes.
29. And as such you had control of the election which took place on 6th December? Yes.
30. You received all the ballot papers in connection with that election? Yes.
31. Not only those polled under your own immediate supervision, but also those from the outlying centres? From the whole electorate.
32. And in due course you transmitted those papers to the Clerk of the Legislative Assembly? Yes.
33. How did you send them? In ordinary wheat bags.
34. Did you make them up in separate parcels? No, I sent them just as they were sent to me from the different returning officers.
35. Regarding the absent votes you are aware that there is a provision in the Act directing you to make up the envelopes used, the voting papers that are used and the unused voting papers in separate parcels? Yes.
36. That you did? I believe I did.
37. To the best of your belief you forwarded to Sydney all the papers used at the election? Yes; in one consignment, all together.
38. Did you make out a list of those papers? I think I sent one to Mr. Coghlan.
39. Could you help us to find out where the absent voting papers are which were used—I may tell you we have found the envelopes for those absent voting papers, but we have not found the papers themselves—

some 300 odd, although we have made diligent search through all the bags we have received. Two bags, I understand, were sent by you to the Justice Department, containing the Local Option poll? Yes.

40. We had sent for those, and have them here; and we propose to go through them to see if by chance the parcel has been misplaced. We desired your presence here especially to know whether you could give us any information. How many bags or parcels did you send altogether? I think there were six.

41. Have you any receipts for them? Yes. Here is a letter from Mr. Arnold, dated 21st January, 1914, which reads as follows:—

I have the honor to acknowledge the receipt of six bags endorsed by you as containing used and unused ballot papers, rolls, &c.

42. Have you made out any list of the separate parcels you sent? No, only what I sent to Mr. Coghlan.

43. Have you a copy of that list? No, not now.

44. What kind of list did you send to Mr. Coghlan? It was on a sheet from an ordinary letter pad.

45. Did you set out that you had sent a parcel of used absent voting papers? Yes, I feel quite certain I did.

46. You did not retain any copy of that list you sent him? I do not think I did, but I remember so well making it out that I am certain I sent it.

47. Do you say that you sent to Mr. Coghlan, the Chief Returning Officer, a detailed list of the parcels that were included in those bags? I feel sure that I did.

48. *Mr. Stuart-Robertson*: In addition to the bags did you send any parcels? Yes, some time afterwards I sent a small parcel.

49. What was in that? There were my own personal receipts for the money I had spent, and other documents which I thought would be handy to the Department, but no ballot papers.

50. According to the information the Committee has received, two of those bags were sent by the Clerk of the Assembly to Mr. Coghlan and four were retained here? I think that would be right.

51. How would he identify those bags? They all had labels on as to what was in them. I tied those labels on myself.

52. We have here the two bags received from the Justice Department. You have now examined those two bags? Yes.

53. Are they as you sent them? I feel sure they are.

54. What do they contain? Unused ballot papers (liquor) and used ballot papers (liquor).

55. *Chairman*.] I presume you are aware of the provisions of section 127 of the Parliamentary Electorates and Elections Act, 1912. Regarding the separate parcels mentioned therein, did you make them up separately? Yes.

56. What did you do about the absent votes? I made them up as the law provides, following it strictly, I think.

57. Did you send those absent votes to the Chief Electoral Officer or to the Clerk of the Assembly? I think they all went together in the six bags.

58. The Chief Electoral Officer told us he had a parcel sent direct to him? Yes, I remember doing that. That was the parcel of receipts that I mentioned just now, including old telegrams, &c.

59. Were there any voting papers? No, no voting papers.

60. All unused voting papers were sent to the Clerk of the Assembly? Yes.

61. That is to say, if they are not in the bags the Committee received, they ought to be in those other two bags? Yes. Anything that was left would be in my desk, and there is nothing there whatever.

62. *Mr. Ball*: In making up those parcels did you make up a separate parcel of the absent votes—separate from the other votes? Yes, they came by themselves.

63. You had the absent votes in a parcel by themselves? Yes.

64. You did not mix them up with any other votes? No.

65. And we shall find them in that condition in one of the bags? Yes.

66. *Mr. Stuart-Robertson*: You did not draft them into the different polling booths at which they were polled? No.

Edward Henry Kelly, called in, sworn, and examined:—

67. *Chairman*.] What is your position? I am a clerk in the Department of the Attorney-General and of Justice.

68. Do you produce any documents? I produce two bags of voting papers received from the Clerk of the Legislative Assembly. I also produce the letter forwarding same, dated 18th February, 1914. The letter reads as follows:—

Sir,

I have the honor to inform you that I have this day forwarded to you by carrier the local option voting papers for the electorates of Sturt (17 parcels), Ashburnham (2 bags), Hartley (1 box), Byron (1 parcel), Burrangong (1 box), and Armidale (1 bag), which have been left at this office in error.

The Under Secretary,  
Department of the Attorney-General and of Justice.

I have, &c.,  
RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.

The two bags which are in the room now are the two bags which were left at the Department's office, and which have since been under lock and key. The key is in my custody.

69. Do you produce the contents of those bags? The bags have not been opened. We do not open bags containing voting papers or unused ballot papers.

70. Unless by what authority? I presume by the authority of the Speaker; but it is a question I have not gone into.

71. As far as you are concerned you do not feel at liberty to open those bags and produce the documents to this Committee? No, I could not do it.

72. *Mr. Stuart-Robertson*: When your Department received a request to produce those bags before this Committee, did you make any inquiries then as to your authority to do so, and to open them? I made no inquiries as to opening them. I simply appear as the representative of the Acting Under Secretary, to whom the subpoena is addressed, and the subpoena asks me to produce two bags forwarded by the Clerk of the Assembly.

73. You were simply instructed by the Department to bring them here? That was all.

74. And having brought them here and handed them to this Committee, you consider you have fulfilled your departmental duty? Yes.

Henry

Henry Webster, recalled :—

(Bags received from Justice Department examined for informal absent voters.)

75. *Chairman.*] You have seen that in the bags sent to the Justice Department we have found certain absent voters' ballot papers which have been used? Yes.
76. How do you account for their being there? I am sure I did it in error. I have not done it intentionally.
77. If we were to inform you that in the bags containing the ordinary ballot papers you sent we found some local option ballot papers, you would put it down to the same inadvertence? Yes.
78. There is one parcel containing absent voting papers used (Lynch, 193), and another containing absent voting papers (Grimm, 127). Did you do up those parcels? Yes.
79. Is the writing on them yours? Yes, in both cases.
80. There is another small parcel discovered containing twenty ballot papers. Could you tell us how it comes that instead of 103 ballot papers rejected as informal owing to the want of signature, we only find 85? I did not know I stated there were 103.
81. *Mr. Coghlan* stated :

The Returning Officer's return shows 127 and 194 absent votes for the respective candidates, and 103 informal, making a total of 424 absent votes. Then he adds to the return in his own writing, "Number of envelopes rejected and unopened, 74"—74 and 424 apparently make up the total number of absentee envelopes that he received, namely, 498. The first return he sent in stated there were 65 rejected envelopes, which would make 489; but in the return he sent in later he gives the number as 74.

Looking at your returns, can you set us right as to those numbers? I have a note here, "Initialled 74 unopened, not on the roll. Initialled only 84."

82. What have you to say with regard to the 103? I do not remember that figure at all.
83. *Mr. James* : How many informal votes were there altogether? Ordinary informal 18, and initialled only, 84. I have a note, "Absentee informal, 176."
84. What does the figure 205 on your return represent? I suppose that represented informal votes.
85. But the column only adds up to 103; how does the total become 205? I cannot account for that.
86. Did you make up the returns? No; Mr. Woolley made them all up.
87. *Mr. Stuart-Robertson* : As to the twenty ballot-papers which had been discovered, what do you call them in your returns;—how did you come to be in possession of those papers? These were sent to me by the deputy returning-officer at Parkes, Mr. Fisher; and shortly after they came he sent me a letter, which will explain everything. It is as follows :—

By to-day's mail I sent you 23 absent votes. They are really not absent votes; but were taken at my table in mistake. My poll-clerk was writing declarations while I was signing them, and signing also the ballot-papers. I, however, noticed the mistake the clerk was making and stopped him from doing so. The forms contain the signatures of voters who had voted within Ashburnham and outside of the division in which they are enrolled. My clerk was also taking signatures on the sheets for absent voters till he was stopped.—G. FISHER, D.R.O.

P.S.—All papers connected with election have been posted. Mr. M. Fisher has also sent all his papers.

88. Where these votes allowed or disallowed? They were counted amongst the candidates' votes.
89. As local votes? Yes; as ordinary local votes.
90. *Mr. Gardiner* : Were they all counted formal? Yes. I wrote to Mr. Coghlan about it, and I received a letter from him.
91. *The Chairman* : Do you say that those twenty odd votes were counted as local votes, though they were on absent voting-papers? Yes. [Absent votes counted.]
92. *Chairman.*] In that parcel of twenty odd votes we find that there are only very few—four in all, I think—that are formal votes. Are you aware of the fact that almost the whole of them are informal, and, knowing that, do you think they are the votes that you referred to which were polled at Parkes? They cannot be. There may be another parcel in the bags which have been examined.
93. There is a parcel of votes which are purely local votes. I would like to know how they got in among the local option votes, and whether they have been counted,—what are the initials on them?
94. They are initialled "H. S. B.," and the parcel has also the same initials? I can explain. They came from Cooma, and H. S. Deed is the returning officer.
95. *Mr. Stuart-Robertson* : You said that these were the papers that were sent you from the returning officer at Parkes, but you are not quite sure they are? No; I am not quite sure, now that they prove to be all informal. I think this has come from Grenfell.

Frederick Albert Coghlan recalled :—

96. *Mr. Stuart-Robertson* : Does the Chief Electoral Officer undertake any scrutiny after the district returning officer concludes the ballot; do you make any scrutiny to see whether he has carried out his duties in regard to the Act or not, unless your attention is specially drawn by something like the present happening? No. There is an analysis made of the voting after the election is over, but no scrutiny.
97. Then if the Act were not carried out, unless you were specially notified of the fact you would not know it. For instance in the case of a man voting at some other polling booth than the one for which he is placed on the roll, and if he voted there without making any declaration you would not know? The returning officer's scrutiny roll ought to show that. The returning officer, before the rolls are sent to the Clerk of the Legislative Assembly, makes what is called a scrutiny roll. He shows by that roll the tickings or the lines drawn in front of the name of each person voting. He puts them on to one common roll, and if a person has voted more than once the fact ought then to be disclosed. He reports to the Chief Electoral Officer, in respect of any case in doubt, as well as any facts that he has in regard to apparent double voting or personation. The Inspector-General of Police is then moved, and he makes an enquiry.
98. With regard to the matter at present before the Committee, have you any reports with regard to duplicate voting in the electorate of Ashburnham? Yes. There were cases reported by the returning officer; not many, but there are some.
99. *Chairman.*] As far as your memory serves you, were there only a few? Yes, only a handful.
100. *Mr. James* : Less than how many? Less than a dozen.
101. *Mr. Stuart-Robertson* : Can you produce the return? Yes, I will send it.

Henry

Henry Webster, recalled :

102. *Mr. Stuart-Robertson*: With regard to the 20 votes to which reference has been made, can you tell the Committee how they came into your possession? I am quite sure, seeing they are signed by different returning officers, that these came to me through the post.
103. You assume they must have come through the post on account of the different returning officers' signatures on the back? Yes. One is from Grenfell, I know; but I cannot tell you where the others came from.
104. There are 20 there? Yes. Two of them seem to be formal.
105. Can you say, then, how they came to be counted as informal? No, I cannot.
106. You say definitely that they came to you through the post? Yes.
107. I think two have positively no marks on them at all; is that so? Yes, I saw them.
108. When votes were recorded at your polling-booth for any other electorate, did the voter sign a declaration under schedule 9? Yes, outside our own particular booth.
109. You could not say of your own personal knowledge that that was so, except from what occurred under your own supervision? No.
110. Did you make any inquiries under that head with regard to other booths? No; I simply sent the schedule 9 form to every booth so that they could have them signed if anyone wanted to vote there outside his own division.
111. With regard to those 74 votes, did you go through the roll yourself to see if the voters were on the roll? Yes, the four of us went through them—the two scrutineers, Mr. Woolley, and I.
112. Who is Mr. Woolley? He was the Assistant Returning Officer.
113. And who were the scrutineers? One for Mr. Lynch and one for Mr. Grimm; Mr. Savage was one and Mr. Gibbons the other.
114. And you all went carefully through those papers and found that the voters were not on the roll? That is so.
115. Before you opened an absentee envelope what did you do? Directly we got the envelope put before us we satisfied ourselves first that it was signed by the Deputy-Returning Officer.
116. Did you look to see whether the voter was on the roll? Yes, that was the first thing we did, and if he was not we declared it an informal vote.
117. If he was on the roll and you saw the envelope came from some person in Ashburnham, you opened it? Yes.
118. With regard to the ballot papers that you dealt with, were you satisfied that they were all formal according to the envelope? Yes.
119. *Chairman.*] How long have you been Returning Officer for Ashburnham? I was appointed just before the elections.
120. Had you had any experience beforehand? No.
121. Had you ever been a poll-clerk? Yes.
122. On how many occasions? Once.
123. Had you ever been a deputy-returning officer? Yes, twice. I was once a poll-clerk but twice a deputy.
124. Can you say you feel familiar with the conduct of elections? All I can say is I did my best.



1914.

---

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

---

ELECTION PETITION—BENNETT *v.* WILLIAM BROWN—DURHAM.

---

REPORT FROM THE COMMITTEE  
OF  
ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE  
PROCEEDINGS OF THE COMMITTEE

AND  
MINUTES OF EVIDENCE.

---



---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
31 *March*, 1914.

---



---

SYDNEY: WILLIAM APPLGATE GULLICK, GOVERNMENT PRINTER.

1914.

91223 119—A

[1s.]

25

## CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings.....	3
Report .....	7
Proceedings of the Committee.....	8
List of Witnesses .....	10
Minutes of Evidence, .....	11

1914.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE  
LEGISLATIVE ASSEMBLY.

ELECTION PETITION—BENNETT v. WILLIAM BROWN—DURHAM.

VOTES No. 1. TUESDAY, 3 MARCH, 1914.

8. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

*“ By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.*

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—

“ Richard Thomas Ball, Esquire,  
“ George Black, Esquire,  
“ Thomas Simpson Crawford, Esquire,  
“ John Charles Lucas Fitzpatrick, Esquire,  
“ Arthur Rowland Gardiner, Esquire,

William Calman Grahame, Esquire,  
Augustus George Frederic James, Esquire,  
Daniel Levy, Esquire, and  
Patrick Joseph Minahan, Esquire,—

“ being members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,  
“ this third day of March, in the year of our Lord one thousand nine hundred and  
“ fourteen.

“ R. D. MEAGHER,  
“ Speaker.”

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment of such Committee.

VOTES No. 1. TUESDAY, 3 MARCH, 1914.

11. ELECTION PETITION (*Durham*):—Mr. Cann, *by command*, laid upon the Table an Election Petition, which had been addressed to His Excellency the Governor from Walter Bennett, of Dungog, in the State of New South Wales, representing that at the General Election, William Brown, William Joseph Walton, and Petitioner were each nominated as candidates for election as a Member of the Legislative Assembly for the Electoral District of Durham; that Petitioner is now and was before and at the time of such nomination and election a person duly qualified by law to be a candidate for election at such election, and to be elected a member of the said Assembly; that the Returning Officer for the said Electoral District of Durham declared the number of votes respectively polled for each of the candidates abovenamed to be as follows :—For the said William Brown, three thousand five hundred and nine; for the said William Joseph Walton, five hundred and five; and for Petitioner, two thousand nine hundred and forty-four; and the Returning Officer then declared that one hundred and fifty-eight informal votes had been recorded at such election for the said district; and further declared the said William Brown to have obtained the requisite majority; and declared him to have been duly elected a Member of the said Assembly for the said district; and afterwards endorsed on the writ for the said election the name of the said William Brown as the person so elected, and duly returned the said writ; that petitioner claims that upwards of eighty ballot-papers marked in his favour at sundry polling-places within the Electoral District of Durham aforesaid, on the occasion of the said election were in the scrutiny rejected by the counting officers as informal on the ground that the crosses marked on such ballot-papers were not wholly marked in the square on such ballot-paper opposite the name of your Petitioner; whereas your Petitioner is advised and believes that such ballot-papers as had crosses set opposite his name in part in and out of the square should have been credited to him in the scrutiny under the Parliamentary Electorates and Elections Act, 1912; that many ballot-papers marked in favour of Petitioner at sundry polling-places within such Electorate District as aforesaid were in the scrutiny rejected by the counting officers as informal, although crosses were marked in the squares on such ballot-papers opposite to Petitioner's name, on the grounds (a) that the names or name of both or either of the other candidates were and



was erased by a line drawn through the same; and (b) that in the squares opposite the names or name of both or either of the other candidates contained a naught, or other mark or tick; whereas Petitioner is advised and believes that such ballot-papers were improperly rejected as such erasure or naught or other mark could not enable any person to identify the voter within the meaning of the Parliamentary Electorates and Elections Act, 1912, section 122; that Petitioner is advised and believes that had such ballot-papers rejected as informal as aforesaid been cast in favour of your Petitioner the said William Brown would not have had the absolute majority of votes required by the said Act; that Petitioner has, in accordance with the said Act, deposited in the Bank of New South Wales, Sydney, to the credit of the Speaker of the Legislative Assembly of New South Wales, in relation to this Petition, the sum of fifty pounds (£50), and that annexed to this Petition is a bank deposit receipt showing that the said sum has been so deposited; and praying that this Petition may be dealt with according to law; that an inquiry may be made as to the various allegations contained in this Petition; that a search and scrutiny of all ballot-papers, formal and informal, used and unused, in connection with the said election, may be made by the Committee of Elections and Qualifications of the said Assembly; that a recount of the said ballot-papers, and of the votes recorded thereby, may be made by the said Committee; that it may be declared that the said William Brown did not receive an absolute majority of votes, and therefore was not duly elected at the said election as a member of the said District; that it may be determined and declared that there should be a second ballot between the said William Brown and your Petitioner, or in the alternative, it may be declared that the said election was wholly void; that such further or other relief in the premises may be granted as may be deemed just.

Ordered to lie upon the Table.

---

VOTES NO. 5. WEDNESDAY, 11 MARCH 1914.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

- (1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Tuesday, 3rd March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee, and intimated that it was, therefore, open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.
- (2.) *Resignation of Member*:—Mr. Speaker reported that he had received a letter from Patrick Joseph Minahan, Esquire, resigning his seat as Member of the Committee of Elections and Qualifications.
- (3.) *Warrant appointing Member to fill vacancy*:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing Robert James Stuart-Robertson, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

*‘ By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.*

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—

“ Robert James Stuart-Robertson, Esquire,”

“ being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Patrick Joseph Minahan, Esquire, resigned.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,  
“ this eleventh day of March, in the year of our Lord one thousand nine hundred  
“ and fourteen.

“ R. D. MEAGHER,  
Speaker.”

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment.

- (4.) *Members Sworn*:—Richard Thomas Ball, Esquire, George Black, Esquire, Thomas Simpson Crawford, Esquire, Arthur Rowland Gardiner, Esquire, William Calman Grahame, Esquire, and Daniel Levy, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee of Elections and Qualifications.

---

VOTES NO. 7. TUESDAY, 17 MARCH, 1914.

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—MEMBERS SWORN:—John Charles Lucas Fitzpatrick, Esquire, and Augustus George Frederic James, Esquire, came to the Table and were sworn by the Clerk as Members of the Committee of Elections and Qualifications.

## VOTES NO. 9. THURSDAY, 19 MARCH, 1914.

## 4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

- (1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, appointing Robert James Stuart-Robertson, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 11th March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment, and intimated that it was therefore open to the Honorable Member to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.
- (2.) *Member Sworn*:—Robert James Stuart-Robertson, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.
- (3.) *First Meeting of Committee*:—Pursuant to the requirement of the 159th section of the Parliamentary Electorates and Elections Act, 1912, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at Twelve o'clock noon, on Tuesday next, in No. 2 Committee Room.
- (4.) *Election Petitions*:—Mr. Arthur Griffith moved, That the following Election Petitions, laid upon the Table of this House on Tuesday, 3rd March, 1914, be referred to the Committee of Elections and Qualifications:—

\* \* \* \* \*

- (2.) From Walter Bennett, with reference to the election and return of William Brown as Member for the Electoral District of Durham.

\* \* \* \* \*

*Point of Order*:—Mr. Cohen submitted that the Petition of Walter Bennett was irrelevant and not decorous or respectful. Standing Order 91 laid down that all Petitions should be in respectful and decorous language. No Petition could be decorous or respectful when the Petitioner assumed the position of royalty. The Petition said: "To His Excellency our trusty and well beloved Sir Gerald Strickland, our Governor of our State of New South Wales." No one was entitled to use those words but the King himself. The other Petitions were worded in respectful language. He admitted that this was a technical point, but one had to be careful in such matters. He could conceive of nothing more arrogant or impertinent than for any subject of the realm to use language which could only be used by the King or his Representative.

Mr. Speaker said the Point of Order taken by the Honorable Member for Petersham was of a highly technical character. On looking at the Petition he found that it certainly was not in accordance with the usual form required by the Standing Order; at the same time, seeing that as the Elections and Qualifications Committee was a semi-judicial tribunal, and as the question of representation was of itself of great importance, he did not consider that it was his duty as Speaker to prevent the issues raised from being fully considered by the proper tribunal by reason of what seemed to him to have been a misapprehension, or some clerical error in connection with the preparation of the Petition. Under these circumstances, he ruled the Petition to be in order.

Question put and passed.

## VOTES NO. 10. TUESDAY, 24 MARCH, 1914.

## 3. ELECTIONS AND QUALIFICATIONS COMMITTEE:—

- (1.) *Resignation of Member*:—Mr. Speaker reported that he had received a letter from George Black, Esquire, resigning his seat as Member of the Committee of Elections and Qualifications.
- (2.) *Warrant appointing Member to fill vacancy*:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing William Fraser Dunn, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

"By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.

"PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—

"William Fraser Dunn, Esquire,"

"being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of George Black, Esquire, resigned.

"Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney, this twenty-fourth day of March, in the year of our Lord one thousand nine hundred and fourteen.

"R. D. MEAGHER,  
"Speaker."

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment.

VOTES

## VOTES No. 14. MONDAY, 30 MARCH, 1914.

## 3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

- (1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, appointing William Fraser Dunn, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, laid upon the Table on Tuesday, 24th March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment, and intimated that it was therefore open to the Honorable Member to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.
- (2.) *Member Sworn*:—William Fraser Dunn, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

## VOTES No. 15. TUESDAY, 31 MARCH, 1914.

7. COMMITTEE OF ELECTIONS AND QUALIFICATIONS (ELECTION PETITION—BENNETT V. BROWN—*Durham*):—

Mr. T. S. Crawford, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Committee of Elections and Qualifications, to whom was referred, on the 19th March, 1914, the Petition of Walter Bennett, against the return of William Brown, Esquire, as Member for the Electoral District of Durham.

And the said report was read at length by the Clerk, by direction of Mr. Speaker, as follows:—

“The Committee of Elections and Qualifications, duly appointed on 3rd March, 1914, to whom was referred, on 19th March, 1914, a Petition from Walter Bennett, against the return of William Brown, Esquire, as Member for the Electoral District of Durham, have determined and do hereby declare:—

“(1.) That William Brown, Esquire, the Sitting Member, was duly elected for the Electoral District of Durham.

“(2.) That the Petition of Walter Bennett is not frivolous nor vexatious.

“(3.) That the Committee make no awards as to costs.

“T. S. CRAWFORD,  
“Chairman.

“No. 3 Committee Room, Legislative Assembly,  
“31st March, 1914.”

Mr. Crawford moved, That the Report and Minutes of Proceedings and Evidence be printed.  
Question put and passed.

1914.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ELECTION PETITION—BENNETT *v.* WILLIAM BROWN—DURHAM.

REPORT FROM THE COMMITTEE  
OF  
ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on the 3rd March, 1914, to whom was referred, on the 19th March, 1914, a Petition from Walter Bennett against the return of William Brown, Esquire, as Member for the Electoral District of Durham,—have determined and do hereby declare:—

1. That William Brown, Esquire, the sitting Member, was duly elected for the Electoral District of Durham.
2. That the Petition of Walter Bennett, Esquire, is not frivolous nor vexatious.
3. That the Committee make no award as to costs.

T. S. CRAWFORD,  
Chairman.

No. 3 Committee Room,  
Legislative Assembly,  
31st March, 1914.

1914.

MINUTES OF PROCEEDINGS OF THE COMMITTEE OF ELECTIONS  
AND QUALIFICATIONS.

ELECTION PETITION—BENNETT v. WILLIAM BROWN—DURHAM.

(In the matter of the Petition addressed to His Excellency the Governor from Walter Bennett, alleging that for reasons therein stated it may be declared,—(1) that the said William Brown did not receive an absolute majority of votes, and was not duly elected as Member of the Legislative Assembly for the Electoral District of Durham; (2) that a second ballot should be held; (3) or that the election was wholly void.)

MONDAY, 30 MARCH, 1914.

MEMBERS PRESENT:—

Mr. T. S. Crawford in the chair.

Mr. Ball,  
Mr. J. C. L. Fitzpatrick,  
Mr. Stuart-Robertson,

Mr. Gardiner,  
Mr. Grahame,  
Mr. James.

In attendance,—

The Second Clerk Assistant.

\* \* \* \* \*

1. The Clerk, by direction of the Chairman, read the Extracts from the Votes and Proceedings by which the Petition of Walter Bennett was referred to the Committee. (*Vide Extracts, pages 3, 4, 5.*)
2. The Clerk then, by direction of the Chairman, read the Petition of Walter Bennett, to which a Bank deposit receipt was attached, as follows:—

To HIS EXCELLENCY our trusty and well beloved, SIR GERALD STRICKLAND, Count della Catena, Knight Grand Cross of our most distinguished Order of St. Michael and St. George, our Governor of our State of New South Wales and its Dependencies in the Commonwealth of Australia.

May it please Your Excellency,—

The humble Petition of Walter Bennett, of Dungog, in the State of New South Wales, Journalist.

SHOWETH:—

1. That a General Election was held on the 6th day of December, one thousand nine hundred and thirteen, for the return of Members to serve the Legislative Assembly of the State of New South Wales, and William Brown, William Joseph Walton, and your Petitioner were each nominated as candidates for election as a Member of the said Assembly for the Electoral District of Durham.

2. That your Petitioner is now and was before and at the time of such nomination and election a person duly qualified by law to be a candidate for election at such election, and to be elected a Member of the said Assembly.

3. That the Returning Officer for the said Electoral District of Durham declared the number of votes respectively polled for each of the candidates abovenamed to be as follows:—For the said William Brown, three thousand five hundred and nine; for the said William Joseph Walton, five hundred and five; and for your Petitioner, two thousand nine hundred and forty-four; and the Returning Officer then declared that one hundred and fifty-eight informal votes had been recorded at such Election for the said district; and further declared the said William Brown to have obtained the requisite majority; and declared him to have been duly elected a Member of the said Assembly for the said district; and afterwards endorsed on the Writ for the said Election the name of the said William Brown as the person so elected, and duly returned the said Writ.

4. That your Petitioner claims that upwards of eighty ballot-papers marked in his favour at sundry polling-places within the Electoral District of Durham aforesaid, on the occasion of the said Election were in the scrutiny rejected by the counting officers as informal on the ground—

That the crosses marked on such ballot-papers were not wholly marked in the square on such ballot-paper opposite the name of your Petitioner. Whereas your Petitioner is advised and believes that such ballot-papers as had crosses set opposite his name in part in and out of the square should have been credited to him in the scrutiny, under the Parliamentary Electorates and Election Act, 1912.

5. That many ballot-papers marked in favour of your Petitioner at sundry polling-places within such Electorate District as aforesaid were in the scrutiny rejected by the counting officers as informal, although crosses were marked in the squares on such ballot-papers opposite to your Petitioner's name on the grounds (a) that the names or name of both or either of the other candidates were and was erased by a line drawn through the same; and (b) that in the squares opposite the names or name of both or either of the other candidates contained a naught, or other mark or tick.

Whereas your Petitioner is advised and believes that such ballot-papers were improperly rejected as such erasure or naught or other mark could not enable any person to identify the voter within the meaning of the Parliamentary Electorates and Election Act, 1912, section 122.

6. That your Petitioner is advised and believes that had such ballot-papers rejected as informal as aforesaid been cast in favour of your Petitioner the said William Brown would not have had the absolute majority of votes required by the said Act.

7. That your Petitioner has, in accordance with the said Act, deposited in the Bank of New South Wales, Sydney, to the credit of the Speaker of the Legislative Assembly of New South Wales, in relation to this Petition the sum of fifty pounds (£50) and that annexed to this Petition is a bank deposit receipt showing that the said sum has been so deposited.

Your Petitioner, therefore, humbly prays :—

1. That this Petition may be dealt with according to law.
2. That an inquiry may be made as to the various allegations contained in this Petition.
3. That a search and scrutiny of all ballot-papers, formal and informal, used and unused in connection with the said election, may be made by the Committee of Elections and Qualifications of the said Assembly.
4. That a recount of the said ballot-papers, and of the votes recorded thereby, may be made by the said Committee.
5. That it may be declared that the said William Brown did not receive an absolute majority of votes, and therefore was not duly elected at the said election as a member of the said District.
6. That it may be determined and declared that there should be a second ballot between the said William Brown and your Petitioner, or in the alternative, it may be declared that the said election was wholly void.
7. That such further or other relief in the premises may be granted as may be deemed just.

And your Petitioner will ever pray, &c.

Dated at Dungog, this fourteenth day of February, in the year of our Lord one thousand nine hundred and fourteen.

(Signed) WALTER BENNETT,  
Petitioner.

Sydney, 16th February, 1914.

Cheque, £50. Paid into the Bank of New South Wales, to be placed to the credit of R. D. Meagher, the sum of fifty pounds stg., by the hands of Walter Bennett.

Bank of New South Wales, DUPLICATE. 16th Feb., 1914.

The Bank will not be responsible for details forming the total of this deposit.

(Signed) R. SEWELL,  
Teller.

3. The Clerk then submitted a letter from the Honorable the Speaker, enclosing a certified copy of a letter from William Brown, the Sitting Member for Durham, giving notice of his intention to defend his seat, which he read as follows :—

The Speaker's Room, Legislative Assembly,  
Sydney, 24 March, 1914.

To the Committee of Elections and Qualifications.

Gentlemen,

I have the honor to transmit to you herewith a copy of a letter, which has been received by me from William Brown, Esquire, the Sitting Member for Durham, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

I have, &c.,  
(Signed) R. D. MEAGHER,  
Speaker.

[Enclosure.]

Sir,

In accordance with the 167th section of the Parliamentary Electorates and Elections Act, 1912, I have the honor to inform you that it is my intention to defend my seat as Member for the Electoral District of Durham, before the Committee of Elections and Qualifications, in reference to the Petition from Walter Bennett touching the validity of my election and return as Member for the said Electoral District.

I have, &c.,  
(Signed) WILLIAM BROWN.

The Honorable the Speaker of the Legislative Assembly.  
A true Copy,—R. D. MEAGHER, Speaker.

4. Parties called in :—

*Present* :—Walter Bennett, Esquire (*the Petitioner*).

William Brown, Esquire, (*the sitting Member*).

D. S. Sullivan, Esquire, Solicitor (*Counsel for the Petitioner*).

5. Mr. Sullivan addressed the Committee on behalf of Petitioner.

(Committee adjourned until to-morrow at 2.15 o'clock.)

S. G. BOYDELL,  
Second Clerk Assistant.

TUESDAY, 31 MARCH, 1914.

MEMBERS PRESENT :—

Mr. T. S. Crawford in the chair.

Mr. J. C. L. Fitzpatrick,

Mr. Ball,

Mr. Grahame,

Mr. Dunn.

Mr. Stuart-Robertsson,

Mr. James,

Mr. Gardiner,

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the Minutes of the previous meeting, which were confirmed.
2. The Clerk, by direction of the Chairman, read the Extracts from the Votes and Proceedings in reference to the resignation of George Black, Esquire, and the issue of a warrant by Mr. Speaker appointing William Fraser Dunn, Esquire, a Member in room thereof.

3. Parties called in :—

*Present* :—Walter Bennett, Esquire (*the Petitioner*).

William Brown, Esquire (*the sitting Member*).

D. S. Sullivan, Esquire, Solicitor (*Counsel for the Petitioner*).

4. Mr. Sullivan addressed the Committee.

5. Edward John Webber (*Scrutineer, Dungog Polling Booth, No. 2*), called in, sworn, and examined.

Witness withdrew.

6. Hugh Alexander Campbell (*Scrutineer, Dungog Polling Booth, No. 1*), called in, sworn, and examined.  
Witness withdrew.
7. Lionel Bennett (*Scrutineer of Absent Votes, Dungog Polling Booth*), called in, sworn, and examined.  
Witness withdrew.
8. Walter Bennett (*the Petitioner*), called in, sworn, and examined.  
Witness withdrew.
9. Mr. Sullivan further addressed the Committee.
10. Mr. Brown (*the Sitting Member*) addressed the Committee.
11. Mr. Sullivan further addressed the Committee.
12. Room cleared.  
Committee deliberated.
13. Mr. James moved,—That William Brown, Esquire, the Sitting Member, was duly elected for the Electoral District of Durham.  
Question put and passed.
14. Mr. James moved,—That the Petition of Walter Bennett, Esquire, is not frivolous nor vexatious.  
Question put and passed.
15. That the Committee make no award as to costs.  
Question put and passed.
16. Mr. James moved,—That the conclusions at which the Committee have arrived be embodied in a Report and presented to the House.  
Question put and passed.
17. Resolved,—That the Petition relating to the Macquarie Election be dealt with to-morrow at 2:15.  
(Committee adjourned until to-morrow at 2:15 o'clock.)

S. G. BOYDELL,  
*Second Clerk Assistant.*

LIST OF WITNESSES.

	PAGE.
Bennett, Lionel .....	12
Bennett, Walter.....	13
Campbell, Hugh Alexander .....	11
Webber, Edward John .....	11

COMMITTEE  
OF  
ELECTIONS AND QUALIFICATIONS.

ELECTION PETITION—BENNETT *v.* WILLIAM BROWN—DURHAM.

TUESDAY, 31 MARCH, 1914.

PRESENT :—

T. S. Crawford, Esquire, in the chair.

Mr. James,  
Mr. J. C. L. Fitzpatrick,  
Mr. Ball,  
Mr. Stuart-Robertson,

Mr. Gardiner,  
Mr. Grahame,  
Mr. Dunn.

Walter Bennett, Esq. (the Petitioner), and Wm. Brown, Esq. (the Sitting Member), were present in person.  
D. S. Sullivan, Esq., was present on behalf of the Petitioner.

Edward John Webber, called in, sworn, and examined :—

1. *Chairman.*] Where do you reside? At Dungog.
2. What position did you occupy there at the last election? I was scrutineer at the Dungog polling-booth No. 2.
3. *Mr. Sutherland.*] Were you present at the count? At the count for No. 2 division, yes.
4. Was the Returning Officer there, or his deputy? His deputy.
5. Tell the Committee to the best of your recollection the number of ballot-papers rejected? There were, I think, nineteen altogether.
6. Can you say how that number was made up? The majority were in favour of Mr. Bennett.
7. How many would you say, from memory? About sixteen.
8. Why were they rejected? On account of irregularity, in the marks being outside the squares.
9. Can you give an illustration? In some instances they were rejected because of the wings of the cross extending beyond the boundaries of the square.
10. Will you give another instance of a cross being outside the square? In some instances the cross was inside the square completely—not overlapping in any way, but there was a cross opposite the same name on the right hand side as well. In some instances the cross was all right, in the square opposite Mr. Bennett's name, but there was a naught placed inside the other squares. In some instances also the names of the other candidates were crossed out, without a naught in the squares. [*Sketch handed in.*]
11. Did the ballot-papers contain any other marks? No.
12. *Mr. Brown.*] You were a scrutineer in No. 2 booth? Yes.
13. How many informal votes do you say were registered there? I do not know how many were registered afterwards, but nineteen were put aside for the Returning Officer to reconsider. I did not go into No. 1 booth; I was on my way there, but another gentleman told me he was watching the interests of anyone concerned in there.
14. As a matter of fact there was another scrutineer acting for the petitioner in No. 1 booth? Yes, but whether those ballot-papers were reconsidered after they left my sight I could not say.
15. Did it come under your notice that ballot-papers similar to those rejected as informal for Mr. Bennett were not rejected for myself; were they counted as informal ballot-papers on one side only? I could not say that, though I daresay one or two of them may have been rejected; but there were only one or two informal votes for you in my room.
16. Who was the Presiding Officer in No. 2 booth? Mr. George Mackay.
17. Do you know Mr. Mackay personally? Yes.
18. Is he a reliable individual? I have always held him, myself, to be a reliable and trustworthy man.
19. He is a man who has an ordinary share of common-sense? Yes.
20. You think there were nineteen ballot-papers in the two booths? There were nineteen rejected in No. 2 while I was at the count, to be reconsidered by the Returning Officer himself. They were counted over again a couple of times while I was there.
21. *Mr. Sullivan.*] So far as your evidence is concerned you are only speaking of No. 2 booth? Yes.
22. Of what occurred afterwards you are not aware? No, I do not know what happened after I left the booth.

Hugh Alexander Campbell, called in, sworn, and examined :—

23. *Chairman.*] What is your address? "St. Elmo," Elizabeth-street, Paddington.
24. Were you engaged in connection with the last election? Yes, I was organiser for the Liquor Trades Defence Union, and I had done all through the Hawkesbury district to the Newcastle district. On the day of the election I was at Dungog, and I forgot my authority to act as scrutineer on behalf of the Liquor Trades



Trades Defence Union. Mr. Bennett had not a scrutineer, and I told him that if he would give me power to do so I would act for him and for the Liquor Trades Defence Union as well.

25. Where were you at Dungog? At No. 1 table.
26. *Mr. Sullivan.*] Were you there at the final counting? Yes, I was there from 7 o'clock on Saturday until it was finished, and all day Monday and Tuesday.
27. Have you any recollection of the number of ballot-papers that were declared invalid? Yes, there were seven. I thought at first there were twenty, but there were seven.
28. This was at No. 1 table? Yes, from letters "A" to "M."
29. "A" to "M" was a distinct room? Yes.
30. And No. 2 was another room altogether? Yes.
31. Can you say why those seven papers were rejected? On account of the cross going out of the square. That is as far as my memory goes.
32. And for any other reason? There were other reasons, but I cannot draw my mind exactly to what they were. There were other marks as well.
33. You are clear that seven were rejected because of the cross? I would not say the seven were rejected on account of the cross.
34. Do you remember whether any votes were allowed in which the cross did exceed the square? I could not say that.
35. Your memory is not good as to whether any of those ballot-papers were rejected by reason of their having other marks on them? I think they were, but I would not like to say.
36. *Mr. Brown.*] You say you were present during the whole of the count? Yes, I went in just after tea and was there until the count was finished. Returns were coming in from all the other booths, and I was there on Monday and part of Tuesday.
37. You were acting as a scrutineer for Mr. Bennett? Yes.
38. Were there any informal, or apparently informal, ballot-papers sent in from the other room? No. What was brought in from the other room was papers signed by the Presiding Officer, with the exact figures of the count on them.
39. Are you quite sure that was so? Yes, certain.
40. I presume the Returning Officer was presiding at No. 1 booth? Yes.
41. That was Mr. Allison? Yes.
42. Did he appear to conduct the count fairly? Yes.
43. Supposing certain ballot-papers were rejected on which the cross extended beyond the square—if those were rejected for Mr. Bennett similar votes would also be rejected for myself? Yes. I might state that after the finish of the polling the count did not come out right. Mr. Allison went over the count again and found from memory three votes that he added on for Mr. Bennett, and one that he added on for you.
44. That was after going through the informal papers again? Yes.
45. So that he apparently used very great care? Yes.
46. The other papers were sealed up when they came in? Yes. I was there when all the papers came from the other booths.
47. You travelled about the electorate a good deal? Yes.
48. Were you about the electorate after the election? No; I left Dungog on the Wednesday morning.
49. You cannot recollect whether any other papers were rejected on account of any other marks? No.
50. But you are clear in your mind that if they were so rejected on one side they were rejected on the other side? Yes.
51. That is, the Returning Officer acted perfectly fairly? Yes; he acted quite fairly in the booth I was in.

Lionel Bennett, called in, sworn, and examined:—

52. *Chairman.*] What is your address? 22, Boyle-street, Mosman.
53. Did you act in any capacity at the last general election in Durham electorate? Yes. I was at Dungog as scrutineer at the counting of the absent votes from all parts of the electorate.
54. Were you at the counting of any other votes? No.
55. *Mr. Sullivan.*] You are the son of the petitioner? Yes.
56. At the count of the absentee votes what did you see? There were numerous envelopes with the declaration on the outside, unopened. The Returning Officer did not look very much for them, in fact. I as scrutineer went through a number of the votes which he opened, and found them on the roll; but as regards the majority of them there was not much search made for them.
57. You mean to say he did not search the roll to find whether the names on the declaration were on the roll? He did not make a sufficient search, because I went through them after he did, and found a number of them.
58. How many would you say were not opened? About fifty, roughly.
59. Of these fifty how many were on the roll? I could not say exactly, but I think if anyone went through the roll carefully he would find a majority of the votes.
60. You did not check them all yourself? No, I went through a few of them and I found a number of them.
61. About how many? I suppose I found twenty; that is independent of the fifty that were left.
62. *Mr. Sullivan.*] Then in round figures [there were about seventy, of which you found twenty, leaving about fifty unopened? Yes.
63. *Chairman.*] Do you say there were fifty envelopes that were unopened? About fifty.
64. Do you say there were twenty of that fifty that you checked on the roll? No. The unopened are not classed as informal.
65. Were they not classed as informal? I do not think so.
66. *Mr. Sullivan.*] There were about seventy altogether? Yes, after the Returning Officer had finished with them.
67. Of which you discovered about twenty on the roll, leaving about fifty unopened? Yes; I might mention in connection with that also, that in one case I know of very particularly, because I argued the point—it was a case of a man named Murdoch. His declaration did not correspond with the name on the roll; but that vote was allowed.

68. *Chairman.*] You did not look at the other fifty? I looked at some of them, but I did not have time as scrutineer to go through the whole of them when they were counted. I had to go through with them, and see that they were checking the right names off, so I had not too much time. I noticed that in the case of Murdoch the name on the roll did not correspond with the name in the declaration at all, but it was allowed because the Returning Officer said he knew the man personally.
69. *Mr. Brown.*] Did you draw the Returning Officer's attention to the fact that there were twenty names on the roll of papers which he had not opened? Yes, I asked him what the envelopes were doing there. He said he could not find them. I said I might be able to find a few of them. I had a look through, and I found some of them.
70. What did you do then with the ballot-papers? They opened them, certainly.
71. And they were either counted or rejected as formal or informal? Yes. But those with only the initials on, and not the Returning Officer's name, were classed as informal also.
72. *Mr. James.*] You were there until the final counting of the absentee votes? Yes.
73. Did you call the Returning Officer's attention to the fact that there were still fifty that had not been gone through? I called his attention to the unopened votes, and asked that a search should be made.
74. Do you say he did not try to find them on the roll at all? He tried in a way, but he did not use sufficient care.
75. Did he look all through the roll? No, certainly he did not.
76. On that, did you not ask for his account of it? I drew his attention to the fact.
77. What did he say? There are some people residing at a place where there is no polling-booth, and they give their address at that place; he very possibly knows the person, but because there is no polling-booth they would be rejected because they are not in the particular division where the person resides at the time he puts his address down.
78. Do you say that if a man is not on the roll for a particular polling-place it is a proper thing to reject him? Certainly not. If a man gives his address as Dungog, and he is on the roll for Thalaba, and you know the man, his vote should not be rejected. From the fact that he is at a polling-place in the electorate he should be entitled to a vote.
79. Did you communicate with Mr. Bennett, your father, as to what took place there? Yes.
80. Then, can you explain why there is no ground in the petition that a lot of these absentee votes were neglected to be counted? There is the ground of the informal votes.
81. *Mr. Dunn.*] Did you act as a scrutineer of the polling during the day at any other booth? No; but I was at Bulahdelah, where I had to get the police to remove some canvassers from the polling-booths.

---

Walter Bennett, sworn, and examined:—

82. *Chairman.*] You are the petitioner? Yes.
83. Your usual residence is at Dungog? Yes.
84. You were a candidate at the last general election there? Yes.
85. *Mr. Sullivan.*] Can you say the number of polling-booths there were in the electorate? I think there were sixty-eight.
86. Had you scrutineers in every one? No.
87. You are asking in your petition for a recount? Yes.
88. On the grounds that votes were rejected because the cross was not wholly in the square, or that although it was in the square opposite the name of the candidate, the other names were erased or their squares contained marks? Yes.
89. State what you heard in respect of the counting, and from whom you heard it? In some of the booths a great many of the old officers were displaced and new men put in; some of them were, I think, incompetent. In the case of Thalaba, the numbers were put up and no Labour votes recorded. A man named Carney made a fuss, and wanted to know why the vote he put down for the Labour man was not recorded. He said that his own vote and those of two members of his family were not recorded. They altered the vote then and gave the Labour candidate three. I have heard since that two other Labour supporters voted there. I have also heard that Mr. Berry sent in the return to the Under Secretary by wire, and that he had not counted the votes recorded for the Labour candidate.
90. *Mr. Garainer.*] That was after the poll had closed? Yes.
91. How long afterwards? Two or three hours afterwards.
92. That would be about 11 o'clock? Between 10 and 11.
93. *Chairman.*] Who gave you that information? The Returning Officer supplied the local newspaper with first-hand information by telephone; they got it from the Returning Officer and put it up on a board outside. I saw the numbers without any votes being credited to the Labour candidate, and afterwards I saw the number credited as three.
94. *Mr. Sullivan.*] Were they credited afterwards? Yes. Carney said he voted for the Labour candidate and it was not recorded, and he wanted to know what became of it.
95. With regard to your own ballot papers at Dungog—did you hear anything about those? I was informed by the scrutineers who have given evidence here that the greater number of the votes were declared informal because although the cross was opposite my name the other two names were struck out. To account for that, as a matter of fact, on polling day some of Mr. Brown's supporters, including a lady canvasser, were outside the booth, and I was informed by some of my supporters—old men—that they knew they were my supporters and said to them "You know how to vote—put a cross to Mr. Bennett's name and strike the others out," because they thought this would make them informal. Two of them told me that.
96. Did you get any information respecting the other polling-booths? At Bandon Grove my scrutineer told me there were four informal votes, and that three of those were rejected which he considered should have been counted for me. He challenged them, but they were thrown out. They had crosses opposite my name and the other two candidates' names were struck out.
97. Did you hear anything in respect of any other-polling booth? At Thalaba I was told that one vote should have been credited to me. One was really informal, but one was not and should have been credited to me.

98. Did you hear anything in respect of any other polling-booth? No, I had not many scrutineers. Mr. Allison informed my son—without mentioning the name of the deputy—that he brought in his papers so boxed up that he could not make head or tail of them, and that he had to open them up and count them himself.

99. *Chairman.*] Where was that? At Dungog. But I had reports from all over the electorate, and there seemed to be very great dissatisfaction and disgust with the men who had been appointed—especially the new men.

100. *Mr. Brown.*] You mentioned some polling-places where you heard that informal votes ought to have been counted for you;—did you hear that at Karuah five out of six there ought to have been counted for Mr. Brown? I could not say. I had no scrutineer there.

101. Did you hear at Tea Gardens that some informal votes should have been counted for Mr. Brown? I did not. I had no scrutineer there.

1914.

---

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

---

ELECTION PETITION—WEAVER *v.* THROWER—MACQUARIE.

---

PROGRESS REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

---

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

7 April, 1914.

---

---

SYDNEY: WILLIAM APPLIGATE GULLICK, GOVERNMENT PRINTER.

†91225 118—A

1914.  
[9d.]

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings.....	3
Progress Report.....	7
Proceedings of the Committee.....	8

1914.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE  
LEGISLATIVE ASSEMBLY.

ELECTION PETITION—WEAVER v. THROWER—MACQUARIE.

VOTES No. 1. TUESDAY, 3 MARCH, 1914.

8. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

*“ By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.*

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—

“ Richard Thomas Ball, Esquire,  
“ George Black, Esquire,  
“ Thomas Simpson Crawford, Esquire,  
“ John Charles Lucas Fitzpatrick, Esquire,  
“ Arthur Rowland Gardiner, Esquire,

William Calman Grahame, Esquire,  
Augustus George Frederic James, Esquire,  
Daniel Levy, Esquire, and  
Patrick Joseph Minahan, Esquire,—

“ being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,  
“ this third day of March, in the year of our Lord one thousand nine hundred and  
“ fourteen.

“ R. D. MEACHER,

“ Speaker.”

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment of such Committee.

VOTES No. 1. TUESDAY, 3 MARCH, 1914.

12. ELECTION PETITION (*Macquarie*):—Mr. Cann, *by command*; laid upon the Table an Election Petition, which had been addressed to His Excellency the Governor from Reginald Walter D'Arcy Weaver, of Dubbo, New South Wales, representing that at the General Election held in December, 1913, Thomas Henry Thrower, of 50, Baptist-street, Redfern, in the said State, and Petitioner, Reginald Walter D'Arcy Weaver, of Dubbo, were each nominated as candidates for election as Members of the Legislative Assembly, for the Electoral District of Macquarie; that Petitioner is now and was at the time of such nomination and election a person duly qualified by law to be a candidate for election at such election, and to be elected as Member of the said Assembly; that the Returning Officer for the said Electoral District of Macquarie declared the number of votes respectively polled for each of the candidates abovenamed to be for the said Thomas Henry Thrower, four thousand and fifty-five; and for the said Reginald Walter D'Arcy Weaver, three thousand nine hundred and ninety-two; and the said Returning Officer then declared the said Thomas Henry Thrower to have been elected a Member of the said Assembly for the said district, and afterwards endorsed on the writ for the said election the name of the said Thomas Henry Thrower as the person so elected, and duly returned the said writ; included in the ballot-papers counted by the Returning Officer were five hundred and ninety-six ballot-papers of absentee voters forwarded to him in pursuance of section 115 of the Parliamentary Electorates and Elections Act, 1912, and out of such number one hundred and thirty-seven were rejected as informal, mainly on the ground that they did not bear the full signature of officers presiding at the various polling-places outside the said Electoral District in which the votes were recorded; that at the said election the votes polled in and for the said district were incorrectly counted, and that some votes counted for the said Thomas Henry Thrower should have been rejected as informal, and other votes which should have been counted for the said Reginald Walter D'Arcy Weaver were rejected as informal; that the Returning Officer at Dubbo disallowed certain votes of absentees, which should have been allowed; that impersonation was practised; that certain electors' votes as absentees, and their voting papers were not counted or received; that persons were enrolled when not qualified; that in

many

many other respects the election was not conducted according to law; and praying that this Petition may be dealt with according to law; that an inquiry may be made as to the various allegations in this Petition; that a scrutiny of all ballot-papers, formal and informal, used and unused, in connection with the said election, may be made by the Committee of Elections and Qualifications of the said Assembly; that a recount of the said ballot-papers, and of votes recorded thereby, may be made by the said Committee; that all signatures on absentee envelopes be compared with the signatures of the claimant electors on their electoral claim forms; that it be declared that the said Thomas Henry Thrower was not duly elected at the said election as a Member for the said Electoral District at the said election; that it may be declared and determined that Petitioner was duly elected at the said election as a Member of the said Assembly for the said Electoral District; or that in alternative it may be declared that the said election was wholly void; that such further or other relief in the premises as may be deemed just and necessary be granted.

Ordered to lie upon the Table.

---

VOTES No. 5. WEDNESDAY, 11 MARCH, 1914.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Tuesday, 3rd March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee, and intimated that it was, therefore, open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.

(2.) *Resignation of Member*:—Mr. Speaker reported that he had received a letter from Patrick Joseph Minahan, Esquire, resigning his seat as Member of the Committee of Elections and Qualifications.

(3.) *Warrant appointing Member to fill vacancy*:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing Robert James Stuart-Robertson, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.

“PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—

“Robert James Stuart-Robertson, Esquire,”

“being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Patrick Joseph Minahan, Esquire, resigned.

“Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,  
“this eleventh day of March, in the year of our Lord one thousand nine hundred  
“and fourteen.

“R. D. MEAGHER,  
“Speaker.”

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment.

(4.) *Members Sworn*:—Richard Thomas Ball, Esquire, George Black, Esquire, Thomas Simpson Crawford, Esquire, Arthur Rowland Gardiner, Esquire, William Calman Grahame, Esquire, and Daniel Levy, Esquire, came to the Table, and were sworn by the Clerk as members of the Committee of Elections and Qualifications.

---

VOTES No. 7. TUESDAY, 17 MARCH, 1914.

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—MEMBERS SWORN:—John Charles Lucas Fitzpatrick, Esquire, and Augustus George Frederic James, Esquire, came to the Table, and were sworn by the Clerk as members of the Committee of Elections and Qualifications.

---

VOTES No. 9. THURSDAY, 19 MARCH, 1914.

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, appointing Robert James Stuart-Robertson, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, laid upon the Table on Wednesday, 11th March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment, and intimated that it was therefore open to the Honorable Member to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.

(2.) *Member Sworn*:—Robert James Stuart-Robertson, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

(3.)

(3.) *First Meeting of Committee*:—Pursuant to the requirement of the 159th section of the Parliamentary Electorates and Elections Act, 1912, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at Twelve o'clock noon, on Tuesday next, in No. 2 Committee Room.

(4.) *Election Petitions*:—Mr. Arthur Griffith moved, That the following Election Petitions, laid upon the Table of this House on Tuesday, 3rd March, 1914, be referred to the Committee of Elections and Qualifications:—

\* \* \* \* \*

(3.) From Reginald Walter D'Arcy Weaver, with reference to the election and return of Thomas Henry Thrower for the Electoral District of Macquarie.

\* \* \* \* \*

Question put and passed.

VOTES No. 10. TUESDAY, 24 MARCH, 1914.

3. ELECTIONS AND QUALIFICATIONS COMMITTEE:—

(1.) *Resignation of Member*:—Mr. Speaker reported that he had received a letter from George Black, Esquire, resigning his seat as Member of the Committee of Elections and Qualifications.

(2.) *Warrant appointing Member to fill vacancy*:—Mr. Speaker, pursuant to the requirements of the Parliamentary Electorates and Elections Act, 1912, laid upon the Table his Warrant appointing William Fraser Dunn, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

*“By the Honorable the Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia.*

*“PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of the State of New South Wales, in the Commonwealth of Australia, by the Parliamentary Electorates and Elections Act, 1912, I do hereby appoint—*

*“William Fraser Dunn, Esquire,”*

*“being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of George Black, Esquire, resigned.*

*“Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney, this twenty-fourth day of March, in the year of our Lord one thousand nine hundred and fourteen.*

*“R. D. MEAGHER,  
“Speaker.”*

And intimated that if not disapproved by the Assembly upon motion in the course of the three next following days on which the Assembly shall meet for the despatch of business, it shall take effect as an appointment.

VOTES No. 14. MONDAY, 30 MARCH, 1914.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, appointing William Fraser Dunn, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, laid upon the Table on Tuesday, 24th March, 1914, not having been disapproved by the Assembly in the course of the three next following days on which the Assembly met for the despatch of business, had now taken effect as an appointment, and intimated that it was therefore open to the Honorable Member to be sworn at the Table by the Clerk, in accordance with the 159th section of the Parliamentary Electorates and Elections Act, 1912.

(2.) *Member Sworn*:—William Fraser Dunn, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

VOTES No. 18. TUESDAY, 7 APRIL, 1914.

11. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—(ELECTION PETITION—WEAVER V. THROWER—*Macquarie*):—

(1.) Mr. T. S. Crawford, as Chairman, brought up a Progress Report from, and laid upon the Table, the Minutes of Proceedings of the Committee of Elections and Qualifications, to whom was referred, on 19th March, 1914, the Petition of Reginald Walter D'Arcy Weaver against the return of Thomas Henry Thrower, Esquire, as Member for the Electoral District of Macquarie.

And the said Report was read at length by the Clerk, by direction of Mr. Speaker, as follows:—

*“The Committee of Elections and Qualifications, duly appointed on the 3rd March, 1914, to whom was referred, on the 19th March, 1914, a Petition from Reginald Walter D'Arcy Weaver against the return of Thomas Henry Thrower, Esquire, as Member for the Electoral District of Macquarie, beg to report to your Honourable House,—*

*“(1) That they are unable to conclude the inquiry during the present Session, and recommend that the Petition be referred to the Committee next Session.*

*“(2) The Proceedings of the Committee are hereto annexed.*

*“T. S. CRAWFORD,  
“Chairman.*

*“No. 3 Committee Room,  
Legislative Assembly,  
“Sydney, 7th April, 1914.”*

Mr. Crawford moved, That the Report and Minutes of Proceedings be printed.

Question put and passed.

(2.)



(2.) Mr. T. S. Crawford moved, That the Committee of Elections and Qualifications have leave to adjourn *sine die*, the matters referred to them having been disposed of.

*Point of Order*:—Mr. Wade submitted that when a Petition was once referred to the Elections and Qualifications Committee it must be disposed of one way or the other; this Petition had been so referred and had to be disposed of, if not it must lapse, but the Committee had made a Report which must be deemed to have determined the matter, and it could only be revived next Session by fresh Petition; but that would not be possible because the eight weeks within which the Petition had to be presented would have elapsed.

Debate ensued.

Mr. Speaker said it was clear to his mind that the Elections and Qualifications Committee could not sit during recess. "May," in the 10th edition, at page 43, says "The effect of the prorogation is at once to suspend all business until Parliament shall be summoned again. Not only are sittings of Parliament at an end, but all proceedings pending at the time are quashed." The only question was as to the form the resolution should take; there was no precedent of a Petition not having been finally dealt with in the Session in which it had been referred to the Committee. It seemed to him, however, to be in accord with the Act that a Progress Report be brought up, recommending that the Petition be referred to the Committee to be appointed next Session. He suggested that there be added to the resolution the words, "and that the Petition be referred to the Committee next Session." If this were done he would have no hesitation in putting the resolution to the House, nor in ruling next Session that the matter would be properly before the Elections and Qualifications Committee."

Mr. Crawford then amended his motion by adding the words "and that the Petition,—Weaver v. Thrower—*The Macquarie*,—be referred to the Committee of Elections and Qualifications to be appointed next Session."

Whereupon Question,—That the Committee of Elections and Qualifications have leave to adjourn *sine die*, the matters referred to them having been disposed of, and that the Petition,—Weaver v. Thrower—*The Macquarie*—be referred to the Committee of Elections and Qualifications to be appointed next Session,—put and passed.

7  
1914.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITION—WEAVER v. THROWER—MACQUARIE.

PROGRESS REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS duly appointed on the 3rd March, 1914, to whom was referred, on the 19th March, 1914, a Petition from Reginald Walter D'Arcy Weaver against the return of Thomas Henry Thrower, Esquire, as Member for the Electoral District of Macquarie,—beg to report to your Honourable House,—

1. That they are unable to conclude the inquiry during the present Session, and recommend that the Petition be referred to the Committee next Session.
2. The Proceedings of the Committee are hereto annexed.

T. S. CRAWFORD,  
Chairman.

No. 3 Committee Room,  
Legislative Assembly,  
Sydney, 7th April, 1914.

MINUTES

1914.

MINUTES OF PROCEEDINGS OF THE COMMITTEE OF ELECTIONS  
AND QUALIFICATIONS.

ELECTION PETITION—WEAVER *v.* THROWER—MACQUARIE.

(In the matter of the Petition addressed to His Excellency the Governor from Reginald Walter D'Arcy Weaver, alleging that for the reasons therein stated the Petitioner should be declared duly elected as Member of the Legislative Assembly for the Electoral District of Macquarie, or that the election should be declared wholly void.)

WEDNESDAY, 1 APRIL, 1914.

MEMBERS PRESENT :—

Mr. T. S. Crawford in the chair.

Mr. Ball,  
Mr. J. C. L. Fitzpatrick,  
Mr. Gardiner,

Mr. James,  
Mr. Dunn.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the Minutes of the previous meeting, which were confirmed.
2. The Clerk, by direction of the Chairman, read the Extracts from the Votes and Proceedings by which the Petition of Reginald Walter D'Arcy Weaver was referred to the Committee. (*Vide Extracts, pages 3 and 5.*)
3. The Clerk then, by direction of the Chairman, read the Petition of Reginald Walter D'Arcy Weaver, to which a Bank Deposit Receipt was attached, as follows :—

To His Excellency Sir GERALD STRICKLAND, Count della Catena, Knight Commander of the most distinguished Order of Saint Michael and Saint George, Governor of the State of New South Wales, and its Dependencies in the Commonwealth of Australia.

MAY IT PLEASE YOUR EXCELLENCY,—

The humble Petition of Reginald Walter D'Arcy Weaver, of Dubbo, New South Wales, Showeth :—

1. That a General Election was held on the sixth day of December, one thousand nine hundred and thirteen, for the return of Members to serve in the Legislative Assembly of the State of New South Wales, and Thomas Henry Thrower, of 50, Baptist-street, Redfern, in the said State, and your Petitioner, Reginald Walter D'Arcy Weaver, of Dubbo, were each nominated as candidates for election as Members of the said Assembly, for the Electoral District of Macquarie.
2. That your Petitioner is now and was at the time of such nomination and election a person duly qualified by law to be a candidate for election at such Election, and to be elected as Member of the said Assembly.
3. That in December, one thousand nine hundred and thirteen, the Returning Officer for the said Electoral District of Macquarie declared the number of votes respectively polled for each of the candidates abovenamed to be for the said Thomas Henry Thrower, 4,055; and for the said Reginald Walter D'Arcy Weaver, 3,992; and the said Returning Officer then declared the said Thomas Henry Thrower to have been elected a Member of the said Assembly for the said district, and afterwards endorsed on the Writ for the said Election the name of the said Thomas Henry Thrower as the person so elected, and duly returned the said Writ.
4. Included in the ballot-papers counted by the Returning Officer were 596 ballot-papers of absentee voters forwarded to him in pursuance of section 115 of the "Parliamentary Electorates and Elections Act, 1912," and out of such number 137 were rejected as informal, mainly on the ground that they did not bear the full signature of officers presiding at the various Polling-places outside the said Electoral District in which the votes were recorded.
5. That at the said Election the votes polled in and for the said District were incorrectly counted, and that some votes counted for the said Thomas Henry Thrower should have been rejected as informal, and other votes which should have been counted for the said Reginald Walter D'Arcy Weaver were rejected as informal.
6. That the Returning Officer at Dubbo disallowed certain votes of absentees, which should have been allowed.
7. That impersonation was practised.
8. That certain electors voted as absentees, and their voting-papers were not counted or received.
9. That persons were enrolled when not qualified.
10. That in many other respects the Election was not conducted according to law.

Your Petitioner, therefore, humbly prays :—

1. That this Petition may be dealt with according to law.
2. That an inquiry may be made as to the various allegations in this Petition.
3. That a scrutiny of all ballot-papers, formal and informal, used and unused in connection with the said Election, may be made by the Committee of Elections and Qualifications of the said Assembly.
4. That a recount of the said ballot-papers, and of votes recorded thereby may be made by the said Committee.
5. That all signatures on absentee envelopes be compared with the signatures of the claimant electors on their electoral claim forms.
6. That it be declared that the said Thomas Henry Thrower was not duly elected at the said Election as a Member for the said Electoral District at the said Election.
7. That it may be declared and determined that your Petitioner was duly elected at the said Election as a Member of the said Assembly for the said Electoral District; or that in alternative it may be declared that the said Election was wholly void.
8. That such further or other relief in the premises as may be deemed just and necessary be granted.

And your Petitioner will ever pray, &c.

Dated at Sydney, this seventeenth day of February, one thousand nine hundred and fourteen.

(Signed) REGINALD WALTER D'ARCY WEAVER,  
Petitioner.

Sydney, February 17th, 1914.

Notes, £50.—PAID into the Bank of New South Wales, to be placed to the credit of Richard Denis Meagher, the sum of fifty pounds by the hands of Oswald Watkin.

Bank of New South Wales, DUPLICATE 17th Feb., 1914.

The Bank will not be responsible for details forming the total of this deposit.

(Sgd.) A. J. MOULE, Teller

4. The Clerk then submitted a letter from the Honorable the Speaker, enclosing a certified copy of a letter from Thomas Henry Thrower, the Sitting Member for Macquarie, giving notice of his intention to defend his seat, which he read as follows:—

To the Committee of Elections and Qualifications,  
Gentlemen,

The Speaker's Room, Legislative Assembly,  
Sydney, 24th March, 1914.

I have the honor to transmit to you herewith a copy of a letter which has been received by me from Thomas Henry Thrower, Esquire, the Sitting Member for Macquarie, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

I have, &c.,  
(Sgd.) R. D. MEAGHER,  
Speaker.

[Enclosure.]

Sir,

In accordance with the 167th section of the Parliamentary Electorates and Elections Act, 1912, I have the honour to inform you that it is my intention to defend my seat as Member for the Electoral District of Macquarie before the Committee of Elections and Qualifications, in reference to the Petition from Reginald Walter Darcy Weaver, touching the validity of my election and return as Member for the said Electoral District.

I have, &c.,  
(Sgd.) THOS. H. THROWER.

The Honorable the Speaker of the Legislative Assembly.  
A true Copy,—(Sgd.) R. D. MEAGHER, Speaker.

5. Parties called in.

*Present*:—Reginald Walter D'Arcy Weaver, Esquire (*the Petitioner*).  
Thomas Henry Thrower, Esquire (*the Sitting Member*).

6. Mr. Weaver addressed the Committee, and said that he intended to proceed with his Petition on all counts.  
7. Mr. Thrower addressed the Committee.  
8. Committee deliberated.

(Committee adjourned until to-morrow at 3 o'clock.)

S. G. BOYDELL,  
*Second Clerk Assistant.*

THURSDAY, 2 APRIL, 1914.

MEMBERS PRESENT:—

Mr. T. S. Crawford in the chair.

Mr. James,  
Mr. J. C. L. Fitzpatrick,  
Mr. Grahame,

Mr. Dunn,  
Mr. Gardiner,  
Mr. Stuart-Robertson.

In attendance;—

The Second Clerk Assistant.

- The Clerk, by direction of the Chairman, read the Minutes of the previous Meeting, which were confirmed.
- The Chairman read a letter from Mr. Weaver (*the Petitioner*), asking to be excused this evening, and stating that he had many witnesses to call.
- Resolved, on motion of Mr. James, that the Petition—Weaver v. Thrower—Macquarie—be adjourned until Tuesday next.

\* \* \* \* \*

S. G. BOYDELL,  
*Second Clerk Assistant.*

TUESDAY, 7 APRIL, 1914.

MEMBERS PRESENT:—

Mr. T. S. Crawford in the chair.

Mr. Ball,  
Mr. James,  
Mr. Dunn,

Mr. Gardiner,  
Mr. Grahame,  
Mr. Stuart-Robertson.

In attendance;—

The Second Clerk Assistant.

- The Clerk, by direction of the Chairman, read the Minutes of the previous Meeting, which were confirmed.
- Mr. James moved,—That the Committee bring up a Progress Report as follows:—  
(1) That they are unable to conclude the inquiry during the present Session, and recommend that the Petition be referred to the Committee next Session.  
(2) The Proceedings of the Committee are hereto annexed.  
Question put and passed.
- Chairman to report to the House and obtain leave for the Committee to adjourn the sittings of the Committee *sine die*.

(Committee adjourned until 7.30 p.m. this day to adjourn *sine die*.)

S. G. BOYDELL,  
*Second Clerk Assistant.*