

NEW SOUTH WALES.

V O T E S

AND

P R O C E E D I N G S

OF

OF

THE LEGISLATIVE COUNCIL,

DURING

THE SESSION OF THE YEAR

1833,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

Sydney,

PRINTED BY W. W. DAVIES, GOVERNMENT PRINTING OFFICE,

BENT-STREET.

1846.

MEMBERS

OF

THE LEGISLATIVE COUNCIL,

1833.

HIS EXCELLENCY THE GOVERNOR,

HIS HONOR THE CHIEF JUSTICE,
THE VENERABLE THE ARCHDEACON,
THE HONORABLE THE COLONIAL SECRETARY,
THE ATTORNEY GENERAL,
THE CONTROLLER OF CUSTOMS,
THE AUDITOR GENERAL,

ROBERT CAMPBELL, SENIOR, ESQ.,
ALEXANDER BERRY, ESQ.,
RICHARD JONES, ESQ.,
JOHN BLAXLAND, ESQ.,
EDWARD CHARLES CLOSE, ESQ.,
HANNIBAL HAWKINS MACARTHUR, ESQ.

ARCHIBALD BELL, ESQ.

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL,

1833.

No. 1.

MONDAY, 27TH MAY, 1833.

1. Council met pursuant to summons.—His Excellency the Governor took the Chair, and read the following Address:—

Gentlemen of the Legislative Council,

I have called you together at this time, to lay before you, in obedience to the King's commands, the Estimates of Expenditure for the year 1834, and to propose for your consideration such Legislative enactments as the circumstances of the Colony appear to require.

Amongst the laws to be proposed, is one for applying the Form of Proceeding in Criminal Issues by Petty Juries, composed of the Inhabitants of the Colony. This measure has been some time delayed, in the hope expressed on the opening of the Session of last year, that an Order of the King in Council for the establishment of Circuit Courts, might be promulgated at the same time; but owing to the difficulty and delay attending all communications between distant countries, the Order in Council required by the Act of Parliament has not yet reached this Colony. I have thought it proper, however, no longer to delay the introduction, as far as I am at present authorised to effect it, of an Institution of the Parent State, for which the Colonists of New South Wales have expressed so strong a desire. I am, at the same time, not without apprehension that this measure may be productive of some present inconvenience to the Jurors in Sydney and its vicinity, by whom all the Criminal Issues in the Supreme Court proceeding from all parts of the Colony, must, until the establishment of Circuit Courts, necessarily be tried. The institution will, for the present, be incomplete; but I have no doubt that, in a short time, it will be assimilated in every respect to that of England.

A Bill will also be laid before you for granting certain powers to Commissioners, to be appointed under this Government, for determining the claims to Deeds of Grant of Crown Lands, occupied by permission of former Governors, but without the regular Title by Deed under the Seal of the Colony, which the instructions of the Crown prescribe. It has been considered that a Commission, instituted by the Governor, with the sanction of the Legislature, having power to examine the parties, and enquire into the whole circumstances of each case, and to determine according to equity and good conscience, will be a suitable instrument for deciding such claims.

A Bill will also be presented for vesting in the Government the property in the Tunnel for conducting water into Sydney, and for preventing nuisances to that very useful undertaking; as also for appropriating any Land or Water which may hereafter be required in furtherance of the Tunnel, and for indemnifying Persons who may sustain any Loss of Property by its construction.

A Bill to facilitate the Extension of Public Roads, and for the Construction and Repair of Private and Cross Roads—A Bill for establishing a more efficient Police within the Town of Sydney, now increasing rapidly both in population and extent—The Renewal of the Licensing Act, which expires this year—Bills for taking a Census, and for the application to the Colony of some Statutes lately passed in England—will require your careful consideration.

I have directed an Abstract of the Revenue and Expenditure of the last year, together with a Statement of Payments made from the Balance in the Colonial Treasury, on the 31st December, 1831, and the Estimates for the year 1834, to be laid before you. By the former you will perceive, with satisfaction, the improving state of the Public Revenue. The Duties of Customs have reached a Sum to which they never before amounted; nor are there wanting other indications of the growing prosperity of the Colony. Buildings are rising rapidly in Sydney and other Towns; Cultivation is extending; in many branches of Agriculture the rate of profit has advanced; and Capital, prudently invested, obtains here a return unknown to other countries. This fact will not long escape the attention of the wealthy Capitalists in Europe; whilst the great increase in number of free Emigrants, of the middle classes, who
arrived

arrived here from Great Britain in the last year, without any assistance from Government, shews that the advantages which this Colony possesses over most of the known countries in the world, are beginning to be generally felt, and to attract to its shores an orderly and industrious population. I have directed a Return of Emigrants, arriving in 1832, to be laid before you.

In appropriating the Revenue for the next year, I recommend to you, Gentlemen, to provide liberally for the Religious Instruction and Education of the People; and I have it in command to represent to you the wants of His Majesty's Roman Catholic subjects in both these respects, and to express to you the readiness of the Secretary of State for the Colonies to co-operate with the Council in appointing one or more additional Roman Catholic Chaplains, and for appropriating a sum of money for the Education of the Children of Roman Catholic Parents.

There are some Public Works of importance proposed to be undertaken, for which it will be expedient to provide Funds, in addition to what may be required for completing, with dispatch, the Roads now in progress. I need hardly observe, that the construction of Roads, upon a good principle, is an object of the greatest importance in this Colony, where few facilities for inland water-carriage, are afforded. The great Roads lately designed by the Surveyor General, are in the course of construction, upon principles such as to admit the future application of Steam, whenever the contemplated improvements in that impelling power, and the increased wealth and intercourse of the Country, shall render such a mode of inland carriage available. In connection with this most important subject, I cannot omit to notice the great advantage enjoyed here, in having the means of employing Penal Labor in the advancement of Public Works; and I have much satisfaction in stating, that by the Amendment of the Criminal Law, which passed the Council last year, many Convicts of the most efficient of that class, have been kept to work within the Colony, whose labor had been previously wasted in distant Settlements.

I have further to recommend, that a sufficient Sum be appropriated in aid of the Police Establishment of the Colony. The flourishing state of the Revenue, will enable you to provide for the objects I have enumerated, without the necessity of abridging the immunity from direct taxation, which it is the good fortune of this Colony to enjoy.

Motion made and question put, that the Address of His Excellency the Governor be entered on the Minutes, and printed for the use of the Members. *Passed without a division.*

2. His Excellency the Governor laid upon the table, "*An Abstract of the Revenue of the Colony of New South Wales, and of its appropriation, for the Year 1832.*" To be printed.
3. His Excellency laid upon the Table, "*A Statement of the Payments out of the Balance on the 31st December, 1831, which has been reserved to meet the Claims of the Commissariat Department on the Colonial Treasury, for the Years 1828 to 1831.*" To be printed.
4. His Excellency the Governor laid upon the Table, "*A Bill for regulating and Licensing Public Houses, and for regulating the granting of Licenses for the Sale of Ale, Porter, Beer, Wine, Spirits, and other Liquors, in New South Wales.*" Bill read a first time; to be printed, and read a second time on Thursday, the 30th instant.
5. His Excellency the Governor laid upon the Table, "*A Bill to repeal an Act of the Governor and Council of New South Wales, intituled 'An Act to authorise the erection of Pounds, and for regulating the Impounding of Cattle; and to make further and other Provisions in lieu thereof.'*" Bill read a first time; to be printed, and read a second time on Tuesday, the 4th June.

ORDERS OF THE DAY.

THURSDAY, MAY 30.

1. Licensing Bill; second reading.

TUESDAY, JUNE 4.

1. Impounding Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

ABSTRACT

OF THE

REVENUE OF THE COLONY

OF

NEW SOUTH WALES,

AND OF

ITS APPROPRIATION

FOR THE YEAR

1832.

Ordered, by THE COUNCIL, to be Printed, 27th May, 1833.

ABSTRACT of the REVENUE of the COLONY of NEW SOUTH

RECEIPTS.	Arrears of Previous Years.			Revenue of the Current Year.			TOTALS.		
	£	s.	d.	£	s.	d.	£	s.	d.
ORDINARY.									
Duties on Spirits Imported . . . . .	.	.	.	81,585	1	7	81,585	1	7
Duty on Spirits distilled in the Colony. . . . .	.	.	.	1,032	0	0	1,032	0	0
Duties on Tobacco Imported . . . . .	.	.	.	9,903	5	8	9,903	5	8
<i>Ad-valorem</i> duty of 5 per Cent. on Foreign Goods Imported . . . . .	.	.	.	2,375	17	1	2,375	17	1
Wharfage . . . . .	.	.	.	1,705	8	0	1,705	8	0
Light House Dues . . . . .	.	.	.	321	11	0	321	11	0
Fees on the Registration of Vessels . . . . .	.	.	.	92	3	0	92	3	0
Fees on the Entry and Clearance of Vessels . . . . .	.	.	.	271	18	0	271	18	0
Permits to remove Spirits . . . . .	.	.	.	6	19	0	6	19	0
Post Office Collections	248	7	9	2,325	15	5	2,574	3	2
Auction Duties	97	9	6	1,318	6	4 $\frac{1}{4}$	1,415	15	10 $\frac{1}{4}$
Licenses to Act as Auctioneers . . . . .	.	.	.	40	0	0	40	0	0
Licenses to retail Wine, and Malt and Spirituous Liquors . . . . .	.	.	.	7,785	0	0	7,785	0	0
Licenses to Distil Spirits . . . . .	.	.	.	25	0	0	25	0	0
Proceeds of Land Sold	7,373	17	6	5,135	16	4	12,509	13	10
Quit Rents	445	16	11	310	5	10	756	2	9
Redemption of Quit Rents . . . . .	.	.	.	2	0	0	2	0	0
Rents of Land temporarily Leased	206	2	9	.	.	.	206	2	9
Fees on the delivery of Deeds . . . . .	.	.	.	209	6	9	209	6	9
Rents of Tolls and Ferries	244	3	4	2,122	6	8	2,366	10	0
Rents of Market Dues	75	14	8	536	0	0	611	14	8
Colonial Secretary's Office . . . . .	.	.	.	208	1	6	208	1	6
Surveyor General's Office	8	10	0	15	0	0	23	10	0
Supreme Court Office . . . . .	.	.	.	1,768	15	2	1,768	15	2
Registry of the Supreme Court . . . . .	.	.	.	172	13	2	172	13	2
Master of the Supreme Court . . . . .	.	.	.	11	7	10	11	7	10
Fees of the Sheriff's Office	234	19	0	492	17	0	727	16	0
Master Attendant's Office . . . . .	.	.	.	553	13	0	553	13	0
Principal Superintendent of Convicts Office . . . . .	.	.	.	8	16	4	8	16	4
Inspectors of Slaughter Houses . . . . .	.	.	.	165	19	6	165	19	6
Several Courts of Requests	504	10	0	1,527	16	0	2,032	6	0
Several Courts of Magistrates	0	10	0	.	.	.	0	10	0
Fines { Collected by the Sheriff . . . . .	.	.	.	81	4	0	81	4	0
{ Collected by the several Courts of Magistrates	8	7	6	.	.	.	8	7	6
Store Rent on Gunpowder deposited in His Majesty's Magazines . . . . .	.	.	.	162	18	7	162	18	7
AMOUNT of ORDINARY REVENUE	£	9,448	8 11	122,273	2 9 $\frac{1}{4}$	131,721	11 8 $\frac{1}{4}$		
EXTRAORDINARY.									
Rents of { Government Windmills . . . . .	.	44	2 8	85	18	6	130	1 2	
{ The Military Canteen . . . . .	.	181	10 0	.	.	.	181	10 0	
{ The Tannery at Bathurst . . . . .	.	.	.	15	0	0	15	0 0	
{ Premises at Port Macquarie . . . . .	.	6	5 0	23	15	0	30	0 0	
{ Land for burning Lime . . . . .	.	.	.	43	2	0	43	2 0	
Sales of { Crown Stock . . . . .	.	1,127	15 1	.	.	.	1,127	15 1	
{ Government Buildings . . . . .	.	200	0 0	62	8	6	262	8 6	
{ Coals from the Mines at Newcastle . . . . .	.	98	0 3	.	.	.	98	0 3	
{ Rough Stone . . . . .	.	9	5 0	.	.	.	9	5 0	
{ Stores and other Property . . . . .	.	.	.	1,472	11	1 $\frac{3}{4}$	1,472	11 1 $\frac{3}{4}$	
Repayment of Loans	315	18	3	33	6	8	349	4 11	
Interest on Debts to the Crown	182	3	6	77	4	2	259	7 8	
Horses Shod by Government Blacksmiths	4	11	0	.	.	.	4	11 0	
Surcharges Recovered . . . . .	.	.	.	92	2	5 $\frac{1}{2}$	92	2 5 $\frac{1}{2}$	
Law Expenses paid by Government recovered back	50	14	8	.	.	.	50	14 8	
Savings accruing from the Salary of an Officer absent on Leave . . . . .	.	.	.	62	10	0	62	10 0	
AMOUNT of EXTRAORDINARY REVENUE	£	2,220	5 5	1,967	18 5 $\frac{1}{4}$	4,188	3 10 $\frac{1}{4}$		
TOTAL AMOUNT of ORDINARY and EXTRAORDINARY REVENUE	£	11,668	14 4	124,241	1 2 $\frac{1}{2}$	135,909	15 6 $\frac{1}{2}$		
<i>Amount carried forward,</i>								£	135,909 15 6 $\frac{1}{2}$

WALES and of its APPROPRIATION, for the YEAR 1832.

DISBURSEMENTS.	Salaries and Allowances.			Contingencies.			Amount under Each Head.			TOTALS.			
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
CIVIL.													
His Excellency the Governor	5,000	0	0	.	.	.	5,000	0	0	.	.	.	
Private Secretary and Establishment	329	16	9	.	.	.	329	16	9	.	.	.	
Executive and Legislative Councils	792	1	6	6	8	3	798	9	9	.	.	.	
Colonial Secretary's Department	5,200	0	10	70	15	2½	5,270	16	0½	.	.	.	
Surveyor General { Survey Department	8,959	16	8	2,747	1	2¼	11,706	17	10¼	.	.	.	
{ Road Branch.	3,735	1	10	6,972	4	10	10,707	6	8	.	.	.	
Board for the Assignment of Servants	342	4	0	.	.	.	342	4	0	.	.	.	
Colonial Treasurer's Department	1,288	2	6	.	.	.	1,288	2	6	.	.	.	
Auditor General's Department	1,443	16	2¾	20	13	6	1,464	9	8¾	.	.	.	
Department of Customs	4,829	10	8	938	6	10	5,767	17	6¼	.	.	.	
Department of Internal Revenue	878	2	6	272	10	2	1,150	12	8	.	.	.	
Post Office Establishment	762	8	7¾	793	13	1	1,556	1	8¾	.	.	.	
Department of the Surveyor of Distilleries	520	16	8	.	.	.	520	16	8	.	.	.	
Inspectors of Slaughter Houses, and Cattle slaughtered	244	18	4½	.	.	.	244	18	4½	.	.	.	
Department of Public Works	863	14	11½	1,204	15	11	3,225	18	10	.	.	.	
Colonial Architect's Department	577	0	8	580	7	3½	1,555	1	3	.	.	.	
Mineral Surveyor's Department	532	19	2	1,022	2	1	603	10	2	.	.	.	
Government Garden { Sydney	189	13	8	413	16	6	443	1	8	.	.	.	
{ Parramatta.	98	18	8	344	3	0	443	1	8	.	.	.	
Harbour Master's { Sydney	500	0	0	265	0	4	765	0	4	.	.	.	
{ Port Macquarie	21	17	0	37	18	7½	59	15	7½	.	.	.	
Department, { Light House, South Head	80	0	0	268	3	2¾	348	3	2¾	.	.	.	
{ Beacon at Newcastle . . . . .	.	.	.	47	12	5¼	47	12	5¼	.	.	.
{ Telegraph Stations	67	8	4	71	8	0¾	138	16	4¾	.	.	.	
British Resident at New Zealand	138	17	9	.	.	.	138	17	9	.	.	.	
Pensions Paid in the Colony	655	10	6	.	.	.	655	10	6	.	.	.	
Pensions Payable in England . . . . .	*	.	.	.	.	.	.	.	.	.	.	.
Colonial Agent . . . . .	*	.	.	.	.	.	.	.	.	.	.	.
TOTAL of CIVIL	38,052	17	10½	16,077	0	6½	.	.	.	54,129	18	5	
JUDICIAL.													
Judges of the Supreme Court	5,002	10	0	.	.	.	5,002	10	0	.	.	.	
Crown Law Officers, and Supreme Court Office	5,386	0	7	28	9	0¾	5,414	9	7¾	.	.	.	
Quarter Sessions, and Clerk of the Peace	400	0	0	343	5	8	743	5	8	.	.	.	
Courts of Requests	2,046	3	2	243	12	9½	2,289	15	11½	.	.	.	
Sheriff's Department	1,789	3	0½	86	14	8	1,875	17	8½	.	.	.	
Coroners	333	13	2	374	5	0	707	18	2	.	.	.	
TOTAL of JUDICIAL	14,957	9	11½	1,076	7	2¼	.	.	.	16,033	17	1¾	
CLERGY AND SCHOOLS.													
Advances to the Trustees of the Clergy and School Lands . . . . .	.	.	.	.	.	.	16,054	10	10	.	.	.
Presbyterian Clergy	600	0	0	.	.	.	600	0	0	.	.	.	
Roman Catholic Clergy	238	19	11½	15	15	0	254	14	11½	.	.	.	
Roman Catholic Schools	16	1	6	187	8	8½	203	10	2½	.	.	.	
TOTAL of CLERGY and SCHOOLS.	855	1	5½	203	3	8½	.	.	.	17,112	16	0	
MILITARY.													
His Excellency the Governor's Body Guard	113	0	6	317	2	10½	430	3	4½	.	.	.	
Superintendent of Ordnance Stores	100	0	0	.	.	.	100	0	0	.	.	.	
New South Wales Royal Veteran Companies	540	12	8	224	12	0	765	4	8	.	.	.	
Commandants of the { Sydney	50	15	0	.	.	.	140	7	6	.	.	.	
{ Parramatta	45	10	0	.	.	.				.	.	.
{ Bathurst	44	2	6	.	.	.				.	.	.
TOTAL of MILITARY	894	0	8	541	14	10½	.	.	.	1,435	15	6½	
<i>Amount carried forward,</i>										£	88,712	7	1¼

* Accounts not yet received.

B.

ABSTRACT, continued.

RECEIPTS.				TOTALS.
Amount brought forward				£ 135,909 15 6½
TOTAL				£ 135,909 15 6½

DISBURSEMENTS.		Amount under each Head.	TOTALS.
Amount brought forward		£ . s. d.	£ s. d.
MISCELLANEOUS.			88,712 7 1 $\frac{1}{4}$
Colonial Secretary } Allowance to the Honorable A. McLeay, in fulfilment of an Agreement with the Secretary of State		750 0 0	
Customs. { Drawbacks	201 18 7	967 7 6	
{ Duty and Wharfage returned	765 8 11		
Internal Revenue. } Revenue refunded		14 4 4	
Supreme Court. {	Allowances to Witnesses, for Travelling Expenses and Attendance.	1,718 19 7	2,388 19 10
	Allowances to Officers, for serving as Jurors	504 15 0	
	Allowances to Special Jurors	18 0 0	
	Allowances to Common Jurors	22 3 0	
	Allowances to Special Jurors for Travelling Expenses	19 13 4	
Quarter Sessions. {	Law Expenses	105 8 11	730 7 6 $\frac{1}{2}$
	Allowances to Witnesses, for Travelling Expenses and Attendance.	113 4 0	
	Allowances to Officers for serving as Jurors	236 5 0	
Colonial Architect. {	Allowances to Officers for Travelling Expenses	380 18 6 $\frac{1}{2}$	1,974 18 4 $\frac{1}{2}$
	Additions, Alterations, and Repairs, to Government House, and Colonial Public Buildings	1,174 1 6 $\frac{1}{2}$	
	In part Payment of the Expense of erecting a new Market Shed, Sydney	275 0 0	
	In part Payment of the Expense of completing the Roof and Flooring of the Roman Catholic Chapel	40 0 0	
	Furniture and Repairs of ditto, for Government House, and Colonial Public Offices	485 16 10	
Printing the Public Documents		336 4 4 $\frac{1}{2}$	
Stationery for the several Colonial Departments		431 11 9	
Fuel and Light for the several Colonial Public Offices	52 4 3 $\frac{1}{4}$	130 11 10 $\frac{1}{2}$	
Conveyance of Coals for the several Colonial Public Offices	78 7 7 $\frac{1}{4}$		
Lighting the Streets of Sydney		463 3 0	
Amount Paid for Presents to the Chiefs of the South Sea Islands		50 0 0	
Amount Paid for a Set of Standard Weights and Measures		51 2 0	
Aborigines. {	Paid the Rev. R. Hill, being in part of the Sum of £500 Voted by the Legislative Council, towards the Mission to the Aborigines	400 0 0	805 14 11 $\frac{3}{4}$
	Donations of Provisions, Blankets, and Clothing	405 14 11 $\frac{3}{4}$	
Emigration. {	Advances on Loan to Free Mechanics and Labourers, who have emigrated to the Colony; on account of Passage Money of themselves and Families	2,619 0 0	5,204 4 8 $\frac{1}{2}$
	Bounties of £8 each, towards the Passage Money of Female Emigrants	2,457 6 9	
	Rations, Cooking Utensils, and Bedding for ditto	65 7 5 $\frac{1}{2}$	
	Allowance to the Superintendent of the Females, on arrival	35 12 0	
	Donations of Live Stock to the N. S. W. Royal Veteran Emigrants	23 0 0	
Police. {	Donation of Agricultural Implements to a distressed Settler	3 18 6	7,785 0 0
{ In re-imbursment to the Deputy Commissary General, of a portion of the Expenses of the Police Establishments defrayed by him; being the amount received for Publicans' Licenses, for the Year commencing the 1st July, 1832			
TOTAL of MISCELLANEOUS		£	22,083 10 3 $\frac{1}{4}$
Amount of Arrears for the Service of the Year 1831, and previous Years {		Salaries 472 7 3	110,795 17 4 $\frac{1}{2}$
{ Contingencies 1,306 13 3			1,779 0 6
Reimbursement to the Deputy Commissary General of the Proceeds of the Sale of two Burr Mill Stones			112,574 17 10 $\frac{1}{2}$
			64 19 9
Amount of Sums appropriated by the Legislative Council, for the year 1832, remaining to be Expended and Charged, viz:—			
For bringing out to the Colony Female Farm Servants, Mechanics, and Labourers		4,795 15 3 $\frac{1}{2}$	
To complete the Loan of £3,500, for the erection of the Australian College		2,000 0 0	
Constructing a new Market and Market House, Sydney		3,225 0 0	
For the enlargement of St. James' Church, Sydney		500 0 0	
For the erection of a Parsonage at Goulburn		500 0 0	
For the erection of School Houses at Appin, Bathurst, and Menangle Ford		242 5 0	
For alterations to the School Houses, Hyde Park, Sydney		75 0 0	
Completing the Roof and Flooring of the Roman Catholic Chapel, Sydney		460 0 0	
In aid of the Mission to the Aborigines		100 0 0	
Colonial Agent's Salary for the Year 1832		400 0 0	
Pensions payable in England		811 5 0	
To meet Expenses incurred in the Year 1832, but not brought forward up to 30th March, 1833		1,160 12 7 $\frac{1}{2}$	
			14,269 17 11
BALANCE, available for future disposal			126,909 15 6 $\frac{1}{2}$
			9,000 0 0
TOTAL		£	135,909 15 6 $\frac{1}{2}$

STATEMENT of Payments, out of the Balance on the 31st of December, 1831, which has been reserved to meet the Claims of the Commissariat Department, on the Colonial Treasury, for the Years 1828 to 1831.

	PAYMENTS.			BALANCE.		
	£	s.	d.	£	s.	d.
Amount of Balance on the 31st December, 1831.	.	.	.	36,584	16	4 $\frac{1}{4}$
PAYMENTS.						
To the Deputy Commissary General.						
<i>For Cast Iron Pipes, Pig Lead, Fire Plugs } and Stop Cocks, received from England, } for conveying Water into Sydney</i>	3,189	10	10			
<i>Reimbursement of the Rent of the Military } Canteen, for the Year 1831</i>	712	6	9			
— Ditto, — of a Fine and Costs	25	16	3			
	£	3,927	13 10			
Advances on Account of the Commissariat Claims, for supplies furnished to Colonial Departments, for the Years 1828 to 1831 inclusive	20,000	0	0			
				23,927	13	10
Balance remaining to be expended in discharge of the Commissariat Claims	£	12,657	2 6 $\frac{1}{4}$			

*Audit Office, Sydney, }
March 30, 1833. }*

WM. LITHGOW,
Auditor General.

No. 2.

THURSDAY, 30TH MAY, 1833.

1. Council met pursuant to summons.—His Excellency the Governor took the Chair, and laid upon the Table, "*A Return of the Number of Free Persons who have arrived in New South Wales, from 1st January, 1829, to the 31st December, 1832.*" To be printed.
2. Licensing Bill; read a second time, committed and amended; to be further considered to-morrow.
Council adjourned at five o'clock, until to-morrow, at one o'clock.

ORDERS OF THE DAY.

FRIDAY, MAY 31.

1. Licensing Bill; further consideration.

TUESDAY, JUNE 4.

1. Impounding Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

RETURN

RETURN of the Number of Free Persons who have arrived in New South Wales, from the 1st of January, 1829, to the 31st of December, 1832; distinguishing those who have received Assistance under the Arrangements sanctioned by His Majesty's Government for the promotion of Emigration, from those for whom no Advance has been made or Bounty paid.

YEAR OF ARRIVAL.	ENIGRANTS WITHOUT BOUNTY OR ADVANCE.				FREE PERSONS WHO HAVE ARRIVED UNDER THE ARRANGEMENTS SANCTIONED BY HIS MAJESTY'S GOVERNMENT.															AMOUNT ADVANCED.	BOUNTIES.		TOTAL ADVANCES AND BOUNTIES.				TOTAL.																																							
					ADVANCES.																Number of Females.	AMOUNT PAID.		NUMBER OF PERSONS.				AMOUNT PAID.																																						
					DESCRIPTION AND NUMBER.																	Men.	AMOUNT PAID.		TOTAL.				AMOUNT PAID.																																					
	Men.	Women.	Children.	TOTAL.	Sawyers.	Carpenters.	Joiners.	Cabinet Makers.	Wheelwrights.	Coach Makers.	Engineers.	Miners.	Blacksmiths.	Tin-plate Workers.	Brass Workers.	Farriers.	Shipwrights.	Caulkers.	Boat Builders.				Coopers.	Bricklayers.	Brickmakers.	Masons.	Stonecutters.	Plasterers.	Painters.	Shoemakers.	Watchmakers.	Clerks.	Printers.	Woolsorters.	Weavers.	Butchers.	Harness Makers.	Dyers.	Tailors.	Bakers.	Gardeners.	Farmers & Labourers.	Men.	Women.	Children.	TOTAL.	£	s.	d.	Men.	Women.	Children.	TOTAL.	£	s.	d.	Men.	Women.	Children.	TOTAL.						
1829	306	113	145	564																																																£	s.	d.												
1830	166	70	73	309																																																	£	s.	d.											
1831	185	98	174	457																																																	£	s.	d.											
1832	679	251	284	1214	9	8	5	3	4	2	5	1	13	1	1	1	3	2	2	7	3	2	4	3	1	6	10	1	3	1	1	14	3	6	1	4	4	1	5	140	134	195	469	2,750	0	0	321 and two Children.	2,497	6	9	140	455	197	792	5,256	6	9	810	700	481	2000					
TOTAL.	1336	532	670	2544	9	8	5	3	4	2	5	1	13	1	1	1	3	2	2	7	3	2	4	3	1	6	10	1	3	1	1	14	3	6	1	4	4	1	5	140	134	195	469	2,750	0	0	321 and two Children.	2,497	6	9	140	455	197	792	5,256	6	9	1476	987	873	3336					

ALEXANDER McLEAY,
Colonial Secretary.

No. 3.

FRIDAY, 31 MAY, 1833.

1. Council met pursuant to summons; His Excellency the Governor took the Chair.
Licensing Bill; committed and amended; to be further considered on Tuesday next.
Council adjourned at four o'clock, until Tuesday next; at one o'clock.

ORDERS OF THE DAY.

TUESDAY, JUNE 4.

1. Licensing Bill; further consideration.
2. Impounding Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 4.

TUESDAY, 4 JUNE, 1833.

1. Council met pursuant to summons.—His Excellency the Governor in the Chair.
Licensing Bill; further amended in Committee; to be fairly transcribed and carried to the Governor by the Colonial Secretary and Controller of Customs.
2. Impounding Bill; second reading deferred until to-morrow.
Council adjourned at four o'clock, until to-morrow, at one o'clock.

ORDER OF THE DAY.

WEDNESDAY, JUNE 5.

1. Impounding Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 5.

WEDNESDAY, 5th JUNE 1833.

1. Council met pursuant to adjournment.—His Excellency the Governor in the Chair.
Impounding Bill read a second time; committed and amended; to be further considered to-morrow.
Council adjourned at four o'clock, until to-morrow, at one o'clock.

ORDER OF THE DAY.

THURSDAY, JUNE 6.

1. Impounding Bill; further consideration.

E. DEAS THOMSON, *Clerk of the Council.*

No. 6.

THURSDAY, 6 JUNE, 1833.

1. Council met pursuant to adjournment.—His Excellency the Governor in the Chair.
Impounding Bill; amended in Committee; to be further considered to-morrow.
Council adjourned at four o'clock, until to-morrow, at one o'clock.

ORDER OF THE DAY.

FRIDAY, JUNE 7.

1. Impounding Bill; further consideration.

E. DEAS THOMSON, *Clerk of the Council.*

No. 7.

No. 7.

FRIDAY, 7 JUNE, 1833.

1. Council met pursuant to adjournment.—His Excellency the Governor in the Chair. Impounding Bill; further amended in Committee; to be recommitted on Tuesday next.
2. His Excellency the Governor laid upon the Table, "*A Bill for regulating the Police in the town and port of Sydney, and for removing nuisances and obstructions therein.*" Bill read a first time; to be printed and read a second time on Wednesday next. Council adjourned at four o'clock, until Tuesday next, at one o'clock.

ORDERS OF THE DAY.

TUESDAY, JUNE 11.

1. Impounding Bill; recommittal.

WEDNESDAY, JUNE 12.

1. Police Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 8.

TUESDAY, 11 JUNE, 1833.

1. Council met pursuant to adjournment. His Excellency the Governor in the Chair. Impounding Bill; to be reprinted as amended; and recommittal to be deferred until Tuesday, the 18th instant. Council adjourned at two o'clock, until to-morrow at twelve o'clock.

ORDERS OF THE DAY.

WEDNESDAY, JUNE 12.

1. Police Bill; second reading.

TUESDAY, JUNE 18.

1. Impounding Bill; recommittal.

E. DEAS THOMSON, *Clerk of the Council.*

No. 9.

WEDNESDAY, 12 JUNE, 1833.

1. Council met pursuant to adjournment. His Excellency the Governor took the Chair, and laid upon the Table, "*A Bill for protecting the Tunnel lately made for supplying the Town of Sydney with Water, and for preventing the same from injury.*"—Bill read a first time; to be printed, and read a second time on Wednesday, the 19th instant.
2. Sydney Police Bill; read a second time, committed and amended; to be further considered to-morrow. Council adjourned at four o'clock, until one o'clock to-morrow.

ORDERS OF THE DAY.

THURSDAY, JUNE 13.

1. Sydney Police Bill; further consideration.

TUESDAY, JUNE 18.

1. Impounding Bill; recommittal.

E. DEAS THOMSON, *Clerk of the Council.*

No. 10.

No. 10.

THURSDAY, 13 JUNE, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. Sydney Police Bill; amended in Committee; to be further considered to-morrow.
 2. Licensing Bill; presented by His Excellency the Governor as amended, read a third time and passed.
- Council adjourned at five o'clock, until to-morrow, at twelve o'clock.

ORDERS OF THE DAY.

FRIDAY, JUNE 14.

1. Sydney Police Bill; further consideration.

TUESDAY, JUNE 18.

1. Impounding Bill; recommittal.

E. DEAS THOMSON, *Clerk of the Council.*

No. 11.

FRIDAY, 14 JUNE, 1833.

1. Council met pursuant to summons.—His Excellency the Governor took the Chair, and laid upon the Table—
 - (1.) An Estimate of the probable expenses of the Establishments forming a charge on the Treasury of New South Wales for the year 1834. To be printed.
 - (2.) Minute explanatory of the several heads of Expenditure, and of Ways and Means, as estimated for the year 1834. To be printed.
2. Sydney Police Bill; amended in Committee; to be further considered on Tuesday next. Council adjourned at three o'clock, until Tuesday next, at one o'clock.

ORDERS OF THE DAY.

TUESDAY, JUNE 18.

1. Sydney Police Bill; further consideration.
2. Impounding Bill; recommittal.

WEDNESDAY, JUNE 19.

1. Tunnel Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

ABSTRACT of the Estimated Expenditure of the Colonial Government for the year 1834.

No.		SALARIES.		CONTINGENCIES.		TOTAL.	
		£	s. d.	£	s. d.	£	s. d.
I.	HIS EXCELLENCY THE GOVERNOR AND JUDGES,	10,000	0 0	...		10,000	0 0
II.	CIVIL ESTABLISHMENT,.....	30,944	7 6	14,078	14 1	45,623	1 7
III.	JUDICIAL ESTABLISHMENT,	10,299	12 6	3,235	0 0	13,534	12 6
IV.	CLERGY AND SCHOOLS,.....	13,325	0 0	7,304	10 0	20,629	10 0
V.	MILITARY ESTABLISHMENT,	305	6 0	315	0 0	620	6 0
VI.	PENSIONS,	1,875	3 9	...		1,875	3 9
VII.	MISCELLANEOUS SERVICES, .....	...		21,926	0 8	21,926	0 8
		66,749	9 9	47,459	4 9		
<i>Total Estimated Expenditure.....£</i>						114,208	14 6

Amounting in all to one hundred and fourteen thousand two hundred and eight pounds, fourteen shillings, and six pence.

ALEXANDER M'LEAY, *Colonial Secretary.*

ESTIMATE of the Probable Expenses of the undermentioned Establishments, forming a Charge on the Treasury of New South Wales, for the year 1834.

	SALARIES.		CONTINGENCIES.		TOTALS.	
	£	s. d.	£	s. d.	£	s. d.
I.—THE GOVERNOR AND JUDGES.						
His Excellency the Governor	5,000	0 0				
The Chief Justice	2,000	0 0				
The two Puisne Judges	3,000	0 0				
Estimated Charge of the Salaries of the Governor and Judges					10,000	0 0
II.—CIVIL ESTABLISHMENT.						
ESTABLISHMENT OF HIS EXCELLENCY THE GOVERNOR.						
Private Secretary	300	0 0				
Messenger, at 1s. 9d. per diem	31	18 9				
Superintendent of Domain, Parramatta	80	0 0				
Two Overseers—one at 1s., and one at 8d. per diem	30	8 4				
	442	7 1				
<i>Rations and Clothing to Forty Prisoners of the Crown, employed on the Government Domains, Sydney and Parramatta, at 6d. per diem, or £9 2s. 6d. each, per annum</i>			365	0 0		
<i>Forage and Farriery for two Cart Horses, ditto, ditto</i>			73	0 0		
<i>Tools, Implements, and Repairs of ditto</i>			50	0 0		
			488	0 0	930	7 1
<i>Carried forward</i>	£ 10,442	7 1	488	0 0	10,930	7 1

ESTIMATE continued.

CIVIL ESTABLISHMENT CONTINUED.	SALARIES.	CONTINGENCIES.	TOTALS.
	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	£ 10,442 7 1	488 0 0	10,930 7 1
EXECUTIVE AND LEGISLATIVE COUNCILS.			
Clerk of the Councils	600 0 0		
Copying Clerk	100 0 0		
Housekeeper	20 0 0		
Messenger, at 2s. 9d. per diem	50 3 9		
Door-keeper, at 1s. 9d. per diem	31 18 9		
	802 2 6		
<i>Petty Expenses</i>		4 0 0	806 2 6
COLONIAL SECRETARY.			
Colonial Secretary	2,000 0 0		
Assistant Colonial Secretary	450 0 0		
Nine Clerks—three at £250, one at £200, four at £190, and one at £175 per annum	1,885 0 0		
Housekeeper at 2s. 6d. per diem	45 12 6		
Two Messengers—one at £50, and one at £31 18s. 9d. per annum	81 18 9		
	4,462 11 3		
<i>Petty Expenses</i>		4 0 0	4,466 11 3
SURVEYOR GENERAL.			
SURVEY DEPARTMENT.			
Surveyor General.	1,000 0 0		
Deputy Surveyor General.	650 0 0		
Three Surveyors—one at £400, one at £375, and one at £350 per annum	1,125 0 0		
Ten Assistant Surveyors—six at £300, one at £280, one at £275, one at £270, and one at £250 per annum	2,875 0 0		
Six Draftsmen—one at £195, one at £190, one at £180, one at £182 10s., one at £177 10s., and one at £170 per annum	1,095 0 0		
Four Clerks—one at £225, one at £150, and two at £120, per annum	615 0 0		
One Artist, a Prisoner of the Crown, at 1s. 9d., per diem	31 18 9		
Two Messengers, at 1s. 9d., per diem each	63 17 6		
Nine Overseers of Surveying Parties, at 8d. each per diem	109 10 0		
	7,565 6 3		
<i>Forage allowance to three Surveyors, ten Assistant Sur- veyors, and two Draftsmen, at 2s. 6d. each per diem.</i>		684 7 6	
<i>Rations to fifteen Surveyors, Assistant Surveyors, and Draftsmen in the Field, at 9d. each per diem</i>		205 6 3	
<i>Rations and Clothing to 90 Prisoners of the Crown, at £16 per annum each</i>		1,440 0 0	
<i>Surveying Instruments and Equipments to fifteen Sur- veyors, Assistant Surveyors, and Draftsmen, at £45 per annum each</i>		675 0 0	
<i>Purchase of Draught Oxen, to replace Casualties</i>		50 0 0	
<i>Incidental Expenses</i>		30 0 0	
		3,084 13 9	10,650 0 0
<i>Carried forward</i>	£ 23,272 7 1	3,580 13 9	26,853 0 10

ESTIMATE continued.

CIVIL ESTABLISHMENT CONTINUED.	SALARIES.	CONTINGENCIES.	TOTALS.
	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	29,272 7 1	3,580 13 9	26,853 0 10
ROAD BRANCH.			
Five Assistant Surveyors—one at £280, two at £260, one at £255, and one at £250, per annum	1,305 0 0		
One Superintendent of Streets, and one Superintendent of Bridges, at £120 per annum each	240 0 0		
One Assistant Superintendent of Bridges	80 0 0		
Two Clerks—one at £100, and one at £80 per annum	180 0 0		
One Storekeeper	110 0 0		
Three Inspectors of Gangs, at 4s. 6d. each, per diem	246 7 6		
Fifty-eight Overseers—five at 3s., twenty-six at 2s., five at 1s. 6d. and twenty-two at 1s. each, per diem	1,761 2 6		
Five Clerks, (Bond) one at 1s., and four at 8d., per diem	66 18 4		
	3,989 8 4		
<i>Forage Allowance to five Assistant Surveyors, at 2s. 6d. each, per diem</i>		228 2 6	
<i>Forage Allowance to one Superintendent of Bridges, and to one Sub-Inspector, at 2s. each, per diem</i>		73 0 0	
<i>Forage for 300 draught Oxen at 6d. each, per diem</i>		2,737 10 0	
<i>Purchase of 100 Oxen to complete the Establishment, and replace Casualties</i>		500 0 0	
<i>Gunpowder for blasting, 20,000lbs., at 9½ per lb.</i>		701 13 4	
<i>Tools, Stores, and Incidental Expenses</i>		2,000 0 0	
		6,330 5 10	
			10,319 14 2
COLONIAL ARCHITECT'S BRANCH.			
Colonial Architect	400 0 0		
Clerk and Storekeeper	110 0 0		
Superintendent of Clocks	75 0 0		
One Overseer, at 4s. 6d. and one Gatekeeper at 2s. 6d. per diem	127 15 0		
	712 15 0		
<i>Forage Allowance to Architect, at 2s. 6d. per diem</i>		45 12 6	
<i>Travelling and Incidental Expenses</i>		50 0 0	
		95 12 6	
			808 7 6
BOARD FOR THE ASSIGNMENT OF SERVANTS.			
Two Members of the Board, at £100 per annum each	200 0 0		
Clerk	130 0 0		
Messenger at 1s. per diem.	18 5 0		
	348 5 0		
			348 5 0
COLONIAL TREASURY.			
Treasurer.	1,000 0 0		
Clerk	250 0 0		
Messenger and Office-keeper, at 2s. 6d. per diem	45 12 6		
	1,295 12 6		
<i>Petty Expenses</i>		4 0 0	
			1,299 12 6
<i>Carried forward</i>	29,618 7 11	10,010 12 1	39,629 0 0

ESTIMATE continued.

CIVIL ESTABLISHMENT CONTINUED.	SALARIES.	CONTINGENCIES.	TOTALS.
	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	20,618 7 11	10,016 12 1	30,629 0 0
AUDIT OFFICE.			
Auditor General	650 0 0		
Chief Clerk	250 0 0		
Three Clerks—one at £170, one at £160, and one at £100.	430 0 0		
Extra Clerks—one at 3s., and two at 1s. 9d. each per diem.	118 12 6		
Messenger, at 1s. 9d. per diem	31 18 9		
	1,480 11 3		
<i>Cases for transmission of Accounts, and Petty Expenses</i>		6 0 0	1,486 11 3
CUSTOMS.			
Collector	1,000 0 0		
Comptroller	600 0 0		
Four Clerks—one at £300, one at £250, and two at £200 per annum	950 0 0		
Three Landing Waiters at Sydney—two at £300, and one at £250 per annum	850 0 0		
One Landing Waiter at Newcastle, at £200, and one at Botany Bay, at £150 per annum	350 0 0		
Locker	200 0 0		
Four Tide Waiters—two at £150, and two at £100, per annum	500 0 0		
Housekeeper	20 0 0		
Two Messengers, at 1s. 9d. each, per diem	63 17 6		
Custom House Boats—pay of two Coxswains at 1s., and twelve Seamen, at 8d. each, per diem	182 10 0		
	4,716 7 6		
<i>Rent of the Custom House</i>		250 0 0	
<i>Hire of Extra Tide Waiters</i>		300 0 0	
<i>Rations and Clothing to Boats' Crews</i>		127 15 0	
<i>Hire of a Boat and Crew at Newcastle</i>		25 0 0	
<i>Repairs of Boats, Storcs, and Incidental Expenses</i>		124 0 0	
		826 15 0	
COLLECTOR OF INTERNAL REVENUE.			
Collector	500 0 0		
Three Clerks, one at £200, and two at £120 per annum	440 0 0		
Extra Clerks, two at 2s. 6d. each per diem	91 5 0		
Messenger, at 2s. 6d. per diem	45 12 6		
	1,076 17 6		
<i>Postage</i>		100 0 0	
<i>Commission to Auctioneers</i>		110 0 0	
<i>Incidental Expenses</i>		20 0 0	
		230 0 0	
POST OFFICE.			
Principal Postmaster	400 0 0		
Accountant	160 0 0		
Two Clerks, one at £120, and one at £80 per annum	200 0 0		
Letter Sorter, at 4s. per diem	73 0 0		
Three Letter Carriers, one at £40, and two at £30 per annum	100 0 0		
<i>Amount carried forward.</i>	933 0 0		
<i>Carried forward</i>	36,892 4 2	11,073 7 1	47,965 11 3

ESTIMATE continued.

CIVIL ESTABLISHMENT CONTINUED.	SALARIES.	CONTINGENCIES.	TOTALS.
	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	36,892 4 2	11,073 7 1	47,965 11 3
POST OFFICE CONTINUED.			
<i>Amount brought forward</i>	933 0 0		
<i>Commission to Postmasters</i> . . . . .	.. .	200 0 0	
<i>Conveyance of Inland Mails</i> . . . . .	.. .	750 0 0	
<i>Conveyance of Coast Mails</i> . . . . .	.. .	70 0 0	
<i>Allowance to Masters of Vessels for Conveyance of Letters to and from Foreign Parts</i> . . . . .	.. .	80 0 0	
<i>Allowance to Pilots for Landing the Mails</i> . . . . .	.. .	20 0 0	
<i>Uniforms to Letter Carriers</i> . . . . .	.. .	20 0 0	
<i>Mail Boxes and Bags, Brass Plates, Stamps, &c.</i> . . . . .	.. .	30 0 0	
		1,170 0 0	
COLONIAL DISTILLERIES.			
Surveyor	300 0 0		300 0 0
INSPECTORS OF CATTLE FOR SLAUGHTER.			
Inspector at Sydney	160 0 0		
Inspector at Parramatta { Authorised to retain the Fees col- } Inspector at Liverpool { lected by each }	.. .		160 0 0
MINERAL SURVEYOR.			
Mineral Surveyor	500 0 0		
Two Constables, at 2s. 3d. each per diem	82 2 6		
Two Overseers, one at 1s. 9d., and one at 8d. per diem	44 2 1		
One Clerk, at 8d. per diem	12 3 4		
	638 7 11		
<i>Rations and Clothing to 100 men employed on the Aqueduct for supplying Sydney with Water, at 6d. each per diem</i>		912 10 0	
<i>Gunpowder for Blasting, Coals, Timber, and other Stores, Tools, Implements, &c.</i>		461 16 8	
		1,374 6 8	
COLONIAL BOTANIST.			
Colonial Botanist	200 0 0		
Assistant ditto	80 0 0		
Overseer and Gatekeeper, at 8d. each per diem	24 6 8		
Two Collectors of Specimens in the Interior, at £16 each per annum	32 0 0		
	336 6 8		
<i>Rations and Clothing to 30 Prisoners of the Crown and three Apprentices, at 6d. each per diem.</i>		301 2 6	
<i>Forage and Farriery for two Cart Horses</i>		26 1 10	
<i>Tools, Implements, and Incidental Expenses</i>		101 7 8	
		428 12 0	
HARBOUR MASTER.			
Harbour Master at Sydney	500 0 0		
Superintendent of the Light House, South Head	80 0 0		
Four Telegraph Masters, one at 1s. 9d. per day, and three at £12 per annum	67 18 9		
Harbour Master at Port Macquarie	75 0 0		
Two Boatmen at ditto, at 1s. each per diem	36 10 0		
<i>Amount carried forward.</i>	759 8 9		
<i>Carried forward</i>	39,259 18 9	14,046 5 9	53,306 4 9

ESTIMATE continued.

CIVIL ESTABLISHMENT CONTINUED.	SALARIES.			CONTINGENCIES.			TOTALS.		
	£	s.	d.	£	s.	d.	£	s.	d.
<i>Brought forward</i>	39,259	18	9	14,046	5	9	53,306	4	6
HARBOUR MASTER CONTINUED.									
<i>Amount brought forward</i>	759	8	9						
<i>Rations and Clothing to thirteen Boatmen at 10d. each per diem</i>				197	14	2			
<i>Repairs of Boats, and Incidental Expenses</i>				50	0	0			
<i>Oil for the Light House</i>				100	0	0			
<i>Maintenance of four Men employed at the Light House at 10d. each per diem</i>				60	16	8			
<i>Rations and Clothing to seven Men employed at the Telegraphs at 6d. each per diem</i>				63	17	6			
<i>Coals for the Beacon at Newcastle</i>				60	0	0			
				532	8	4			
HOUSEKEEPER.									
Of the Public Offices, Macquarie Street, Sydney	25	0	0				1,291	17	1
AGENTS AND RESIDENTS ABROAD.									
Colonial Agent in London.	400	0	0						
British Resident at New Zealand	500	0	0				900	0	0
<i>Contingencies of the British Resident, New Zealand</i>				100	0	0	100	0	0
	40,944	7	6	14,678	14	1	55,623	1	7
Less—The Estimated Charge of the Salaries of the Governor and Judges	10,000	0	0				10,000	0	0
ESTIMATED CHARGE of the CIVIL ESTABLISHMENT	30,944	7	6	14,678	14	1	45,623	1	7
III.—JUDICIAL.									
SUPREME COURT.									
Registrar	800	0	0						
Chief Clerk	450	0	0						
Four Clerks—one at £300, one at £170, one at £130, and one at £80	680	0	0						
Cryer	50	0	0						
Court Keeper	35	0	0						
Three Tipstaffs, at 2s. 3d. each, per diem.	123	3	9						
Messenger, at 1s. 5d. per diem	25	17	1						
	2,164	0	10						
<i>Allowances to Witnesses, Jurors, and other Expenses on Criminal Trials</i>				1,500	0	0	3,664	0	10
LAW OFFICERS OF THE CROWN.									
Attorney General	1,200	0	0						
Clerk to ditto	150	0	0						
Messenger to ditto	31	18	9						
Solicitor General	800	0	0						
Clerk to ditto	150	0	0						
Messenger to ditto	25	17	1						
Crown Solicitor	500	0	0						
	2,857	15	10				2,857	15	10
<i>Carried forward</i>	5,021	16	8	1,500	0	0	6,521	16	8

ESTIMATE continued.

JUDICIAL ESTABLISHMENT, CONTINUED.	SALARIES.	CONTINGENCIES	TOTALS.
	£ s. d.	£ s. d.	£ s. d.
<i>Brought forward</i>	5,021 16 8	1,500 0 0	6,521 16 8
COURTS OF REQUESTS.			
Commissioner	800 0 0		
Ten Registrars—one £320, three at £80, one at £70, one at £40, three at £30, and one at £20 per annum	780 0 0		
Two Clerks—one at £120, and one at £60 per annum	180 0 0		
Eleven Bailiffs—two at £75, four at £50, one at £30, three at £25, and one at £15 per annum	470 0 0		
Cryer	25 0 0		
Messenger at 1s. 5d per diem	25 17 1		
	2,280 17 1		
<i>Travelling Expenses of Commissioner</i>		120 0 0	
<i>Postage</i>		250 0 0	
<i>Incidental Expenses</i>		10 0 0	
		380 0 0	
COURTS OF QUARTER SESSIONS.			
Chairman, including Travelling Expenses	450 0 0		
Clerk of the Peace	400 0 0		
	850 0 0		
<i>Allowance to the Clerk of the Peace for conducting Prosecutions</i>		100 0 0	
<i>Allowance for Travelling to ditto, at 30s. per diem</i>		130 0 0	
<i>Allowances to Cryers and Tipstiffs</i>		105 0 0	
<i>Allowances to Witnesses, Jurors, and other Expenses on Criminal Trials</i>		500 0 0	
<i>Postage</i>		25 0 0	
<i>Incidental Expenses</i>		10 0 0	
		870 0 0	
			1,720 0 0
SHERIFF.			
Sheriff	1,000 0 0		
Under Sheriff	200 0 0		
Two Clerks—one at £100, and one at £75 per annum	175 0 0		
Four Bailiffs, at £100 each per annum	400 0 0		
Messenger, at 1s. 9d. per diem	31 18 9		
	1,806 18 9		
<i>Allowance for Travelling to the Sheriff and Under-Sheriff</i>		85 0 0	
<i>Travelling Expenses of Gaolers</i>		20 0 0	
		105 0 0	
			1,911 18 9
CORONERS.			
Seven Coroners—one at £100, and six at £40 per annum.	340 0 0		
<i>Coroners' Fees on Inquests, at 20s. each</i>		160 0 0	
<i>Surgeons' Fees on Inquests, at 40s. each</i>		176 0 0	
<i>Allowance to Coroners for Travelling, at 9d. per mile</i>		35 0 0	
<i>Rewards for taking up Dead Bodies</i>		9 0 0	
		380 0 0	
	10,299 12 6	3,235 0 0	720 0 0
Estimated Charge of the Judicial Establishment			13,534 12 6

ESTIMATE continued.

CLERGY AND SCHOOL ESTABLISHMENTS.	SALARIES.	CONTINGENCIES.	TOTALS.
	£ s. d.	£ s. d.	£ s. d.
IV.—CLERGY AND SCHOOLS.			
EPISCOPALIAN CLERGY.			
The Venerable and Honourable the Archdeacon	2,000 0 0		
Fifteen Chaplains—one at £460, two at £360, and twelve at £250 per annum	4,180 0 0		
Four Catechists—three at £182 10s., and one at £26 per annum	573 10 0		
Salaries of Clerks, Musicians, Pew-openers, and other Church Officers, in all one hundred individuals	790 0 0		
Salary to the Rev. L. E. Threlkeld, employed on the Civilization of the Aborigines at Lake Macquarie	150 0 0		
Pension to a Superannuated Clerk	20 0 0		
Allowance to five Clergymen of £100 per annum, for Glebes of 400 Acres each, resigned to the Corporation	500 0 0		
Allowance, to three Clergymen for performing Divine Service at Sydney Gaol, Phoenix Hulk, and Female Factory, at £50 each per annum	150 0 0		
Allowance to a Catechist for officiating at Sackville Reach.	45 0 0		
	8,408 10 0		
<i>Forage Allowance to nine Chaplains and two Catechists, at 2s. 6d. each per diem</i>		501 17 6	
<i>Allowance for the Maintenance of twenty-two Glebe Servants, at 9d. each per diem</i>		301 2 6	
<i>Allowance for maintaining two Boatmen on the River Hawkesbury</i>		40 0 0	
<i>Allowance for Clothing and Rations to four Convicts in the employ of the Rev. L. E. Threlkeld, at Lake Macquarie</i>		36 0 0	
<i>Travelling Expenses of Clergymen on Duty</i>		230 0 0	
<i>Rent of five Parsonages</i>		430 0 0	
<i>Rent of three Houses for Catechists</i>		140 0 0	
<i>Rent of three Chapels in the Districts of Cook, South Creek, and Menangle</i>		70 0 0	
<i>Allowance to the Rev. J. Docker, in lieu of 1280 acres of Land, after five years' Service, vested in Trustees for the Benefit of his Family after his Death</i>		320 0 0	
<i>Compensation to the Rev. G. A. Middleton, in consideration of his having been without a Glebe for eighteen months after his arrival in the Colony</i>		75 0 0	
<i>Incidental Parochial Expenses</i>		250 0 0	
<i>Building a Church at Bungonia, on condition of an equal Sum being subscribed by the Inhabitants of the District</i>		140 0 0	
<i>Repairs of the Parsonage at Parramatta</i>		100 0 0	
<i>Enlarging and Repairing the Parsonage at Port Macquarie</i>		100 0 0	
<i>Enclosing Burial Grounds and Glebes; and incidental Repairs of Churches, Places of Worship, and Parsonages</i>		400 0 0	
		3,134 0 0	
EPISCOPALIAN SCHOOL ESTABLISHMENT.			
<i>King's School.</i>			
Salary of the Master at Parramatta	100 0 0		
<i>House Rent</i>		80 0 0	180 0 0
<i>Carried forward</i>	8,508 10 0	3,214 0 0	11,722 10 0

ESTIMATE continued

CLERGY AND SCHOOL ESTABLISHMENTS CONTINUED.	SALARIES.			CONTINGENCIES.			TOTALS.		
	£	s.	d.	£	s.	d.	£	s.	d.
<i>Brought forward</i>	8,508	10	0	3,214	0	0	11,722	10	0
PAROCHIAL SCHOOLS.									
Salaries of thirty-six Masters and twenty-five Mistresses	1,600	0	0						
<i>Rent of School Houses</i>				256	0	0			
<i>Allowance of one-halfpenny per diem for each Scholar, when the Parents are unable to pay for Instruction.</i>				350	0	0			
<i>Books and Incidental Expenses</i>				100	0	0			
<i>Repairs of School Houses, &c.</i>				100	0	0			
<i>New roofing School House, Hyde Park</i>				350	0	0			
<i>Pension to J. Harper, a retired Schoolmaster</i>	50	0	0						
	1,650	0	0	1,156	0	0			
MALE ORPHAN SCHOOL, (125 CHILDREN.)									
Master	150	0	0						
Surgeon	100	0	0						
Storekeeper, Monitors, and Servants, 13 in number	200	0	0						
	450	0	0						
<i>Food, Clothing, and Bedding</i>				650	0	0			
<i>Repairs and Alterations of the Buildings</i>				125	0	0			
<i>Household and Miscellaneous Expenses</i>				75	0	0			
				850	0	0			
FEMALE ORPHAN SCHOOL (170 CHILDREN.)									
Matron	130	0	0						
Surgeon	100	0	0						
Superintendent	80	0	0						
Servants, ten in number	100	0	0						
	410	0	0						
<i>Food, Clothing, and Bedding</i>				800	0	0			
<i>Repairs and Alterations of the Buildings</i>				140	0	0			
<i>Household and Miscellaneous Expenses</i>				150	0	0			
				1,090	0	0			
MANAGEMENT OF THE TRUST.									
Clerk, £400, Assistant Clerk, £150	550	0	0						
Messenger, at 2s. per diem, Office-keeper, at £20 per annum,	56	10	0						
	606	10	0						
<i>Rent of Office</i>				150	0	0			
<i>Printing, Stationery, Postage, and Incidental Expenses.</i>				44	10	0			
				194	10	0			
PRESBYTERIAN CLERGY.									
Four Ministers of the Established Church of Scotland	600	0	0						
ROMAN CATHOLIC CLERGY AND SCHOOLS.									
Roman Catholic Vicar General	200	0	0						
Six Roman Catholic Chaplains, one at Sydney, one at Parramatta, one at Windsor, one at Campbell-town, one at Bathurst, and one at Maitland, at £150 each per annum	900	0	0						
	1,100	0	0						
<i>Roman Catholic Schools</i>				800	0	0	1,900	0	0
	13,325	0	0	7,304	10	0			
Estimated Charge of the Clergy and School Establishment.							20,629	10	0

ESTIMATE continued.

MILITARY.	SALARIES.	CONTINGENCIES.	TOTALS.
	£ s. d.	£ s. d.	£ s. d.
V.—MILITARY.			
Superintendent of Ordnance Stores and Dawes' Battery .	100 0 0		
Allowance in lieu of Forage to the Commandants at Parramatta and Bathurst, at 2s. 6d. each per diem .	91 5 0		
Extra Pay to His Excellency the Governor's Body Guard.	114 1 0		
	305 6 0		
<i>Clothing for the Men of His Excellency the Governor's Body Guard</i>		60 0 0	
<i>Forage for the Horses of ditto</i>		255 0 0	
		315 0 0	
Estimated Charge of the Military Establishment			620 6 0
VI.—PENSIONS.			
PAYABLE IN ENGLAND.			
Mrs. Macquarie, Widow of Governor Macquarie	400 0 0		
Mrs. Cobb, (late Mrs. Bent) Widow of Judge Advocate Bent	200 0 0		
Mrs. Lewin, Widow of Coroner Lewin	50 0 0		
Mrs. Jamison, Widow of Surgeon Jamison	40 0 0		
Mrs. Thompson, Widow of Surgeon Thompson	30 0 0		
PAYABLE IN THE COLONY.			
John Stephen, Esq., late Judge in the Supreme Court	500 0 0		
Mrs. King, Widow of Governor King	200 0 0		
Mrs. S. Mileham, Widow of Surgeon Mileham	100 0 0		
Mr. William Harper, late Assistant Surveyor	109 10 0		
Mr. John Redman, late Gaoler at Sydney.	70 0 0		
Mr. John Tucker, late Commissariat Storekeeper	50 0 0		
Mr. John Gowen, ditto	50 0 0		
Mr. Thomas Taber, late Master of the Public School	50 0 0		
Mr. John Pendergrass, late Town Cryer	12 0 0		
Mr. William Eckford, late Pilot at Newcastle	13 13 9		
	1,155 3 9		
Estimated Charge of Pensions			1,875 3 9
VII.—MISCELLANEOUS EXPENSES.			
The several Public Offices. { Stationery, Printing, Book-binding, Gazettes, and Almanacks, for the several Colonial Departments		1,900 0 0	
Colonial Secretary. { Fuel and Light for ditto, ditto		120 0 0	
Customs. { Allowance to the Honorable Alexander McLeay, Esq., in fulfilment of an Agreement with the Secretary of State, and in lieu of Fees		750 0 0	
{ Drawbacks on the Re-exportation of Foreign Goods, and Duty returned		300 0 0	
{ Restitution of Duty on Spirits supplied by Contractors to His Majesty's Troops in the Interior		850 0 0	
<i>Carried forward</i>			

ESTIMATE continued.

MISCELLANEOUS CONTINUED.		CONTINGENCIES.			TOTALS.		
		£	s.	d.	£	s.	d.
<i>Brought forward</i>					3,020	0	0
Public Works.	For Constructing a Landing Jetty on the South-East side of Sydney Cove.	273	0	0	6,406	0	8
	For facing the Quay at Parramatta with Stone	200	0	0			
	For removing obstructions in the Parramatta River	500	0	0			
	Erecting a Court House at Berrima	1,000	0	0			
	at Bathurst	1,000	0	0			
	Breakwater at Newcastle	500	0	0			
	Pier at Newcastle	200	0	0			
	To Lieutenant Colonel Henry Dumaresq, and Mr. William Dumaresq, being the value of the Bridge over Wallis' Creek, near Maitland, as Appraised by the Colonial Architect, in February, 1832, about which time Toll ceased to be collected	222	15	8			
	Towards Building Roman Catholic Chapels at Maitland and Campbelltown, a sum not to exceed the Subscriptions of Individuals, say	400	0	0			
	Casual Repairs to Government House, Courts of Justice, and other Colonial Public Buildings	1,200	0	0			
	Furniture for Government House, and Public Offices	600	0	0			
	Lighting 102 Lamps in the Streets of Sydney, at 2d. each Lamp, per night	310	5	0			
	Colonial Museum.	Towards the Support of the Institution						200	0	0
Aborigines.	In aid of the Mission to the Aborigines, by the Church Missionary Society		500	0	1,400	0	0
	Donations of Provisions, Clothing, Blankets, &c.		900	0			
Police	Towards the support of the Police Establishments of the Colony			8,000	0	0	
To meet unforeseen expenses, on occasions of emergency, to be hereafter accounted for				2,000	0	0	
Estimated Charge for Miscellaneous Services					21,926	0	8
TOTAL ESTIMATED EXPENDITURE					114,208	14	6

MINUTE of His Excellency the Governor to the Legislative Council, explanatory of the several heads of Expenditure, and of Ways and Means, as estimated for the Year 1834.

In laying before Council the Estimates of Revenue and Expenditure for the year 1834, I have to offer a few explanatory observations upon each.

The proposed charge for the Civil Establishment of 1834, amounts to £45,580 4s. 1d., being about £3,000 more than that for the present year. The excess is occasioned by some items of expenditure having, for the sake of clearness, been transferred from the Miscellaneous Estimates, and some additional contingent charges proposed in the Road Branch of the Surveyor General's Department. The amount of civil salaries is less than that of this year, by nearly £800.

In the Office of the Colonial Secretary, it is proposed to reduce two junior and three extra clerks, thereby effecting a saving of £450 per annum.

In the Surveyor General's Department, three assistants are proposed for reduction. One Surveyor and one Assistant Surveyor have been reduced in this year, and their places filled up by persons at much lower salaries, and doubtless of inferior acquirements, but well qualified, by instruction and practice, to superintend the formation of roads and construction of bridges, the services for which they are chiefly required. This reduction and arrangement will occasion a saving of above £1,000 a year.

In the contingencies of the Road Branch of this Department, there is a proposed increase of expenditure amounting to about £3,000. It has been thought advisable to provide sufficient means for proceeding with the formation of the new roads already in progress, and for keeping the old in repair. These repairs have been hitherto effected principally by the labor of convicts, out of irons, placed on the roads by the Regulations of Government, and supported by the British Treasury. It is indeed notorious that the work accomplished by these persons is by no means commensurate with their numbers or power, but as their maintenance has cost nothing to the Colony, their employment has, in this point of view, been an advantage; it is, however found, that the employment of those offenders, under such superintendance as it is possible to apply without incurring an expense exceeding that which the Colonial Revenues can well bear, tends neither to the reformation of the criminal, nor to the comfort of the community. It is proposed, therefore, to reduce the number on some of the roads, if contracts can be obtained for keeping them in repair at a reasonable rate. It is expected that by assigning to the contractors two convicts, for every mile of road to be kept in repair, that the money payment to be made for the contracts will be within the estimate of expense for tools, carriages, and oxen, which, under the present system, are required to be provided. These observations apply solely to the road parties. The ironed gangs are under a distinct superintendance, the expense of which is defrayed by the British Government, the tools and the direction of the work being alone a charge on the Colony. These gangs are found to work better under the present arrangement than formerly, and escapes from the gangs are become much less frequent.

In the Post Office, the increase of business has required the appointment of an additional clerk. The charges for contingencies are also increased from the same cause.

In the Customs, there is an estimated reduction of salaries amounting to about £400 a year, but as a new Revenue Cutter is shortly expected from England, the cost of which, as well as that of its crew and equipment, will be defrayed by the Colony, the expense of the Department for the next will probably much exceed that of the present year.

By instructions from the Secretary of State for the Colonies, the Colonial Architect is placed under the direction of the Surveyor General. This arrangement has not, at present, effected any saving of expense, but it is calculated to do so.

In the Department of the Surveyor of Distilleries, it is proposed to omit the charge for a clerk and for office-rent, making a saving of £150 a year.

In the Mineral Surveyor's Department, the annual charge for salaries is raised above £100, by the appointment of two constables and an overseer beyond the establishment for this year. The Mineral Surveyor has represented the necessity for this increase, in order to keep the convict laborers in the tunnel more efficiently employed. The work, however, does not proceed with rapidity, and I propose to appoint a Committee of the Council to examine and report upon the mode in which the operation is carried on, and upon the means, by which its progress may be accelerated, and the supply of water rendered more generally useful, by leading it to public fountains within the town, and to private houses, on payment of a regulated rate.

In the Department of the Harbour Master there is an increase of expense, by placing on the Colonial Establishment the Harbour Master, and some contingent charges for Port Macquarie, which, during the time that settlement was penal, were defrayed by the British Government.

The charge for the Judicial Establishment is proposed upon nearly the same scale as for the present year; but it is apparently larger by the transfer from the Miscellaneous Estimates of the allowances to jurors, witnesses, and such other contingent expenses as are properly chargeable to the Courts.

In the Quarter Sessions Court, an addition of £100 a year to the salary of the Chairman, and the consolidation of his allowance for travelling expenses, taken at £150 a year are proposed, in consequence of the increased duties which, by the late augmentation of the number of Courts, have devolved on this Magistrate.

Under the head of Church and School Establishments, there is a small increase in the estimate, over that of last year. It is proposed to provide for five additional Roman Catholic Chaplains, at the annual stipend of £150 for each, and to allow a sum of £800 for the support of Roman Catholic Schools. These Chaplains are to be placed in the country towns, where persons professing the Roman Catholic Religion are numerous, and Schools will be established in those and such other places as afford a convenient resort for the children of Roman Catholic parents.

Under the head of Miscellaneous Estimates, there is a charge for constructing a landing place on the eastern side of Sydney Cove. The stairs now in use on the opposite shore are too confined, and are usually crowded by people, and obstructed by boats, and by the shipping. The proposed jetty will remedy this inconvenience; but a still greater improvement in Sydney Cove has been under the consideration of the Government, to be effected by forming a broad semicircular quay on the verge of the deep water, along the head of the Cove, affording at once a convenient wharf, to which ships can be brought up, and the most probable means of preserving the Harbour from being gradually filled up by the matter washed into it from the adjoining heights. The subject is one of considerable importance to the Town of Sydney, and the Colony in general; and I propose to appoint a Committee of the Council, before whom will be laid the plans and reports lately obtained by the Government, with instructions to examine further into the details of the work, and to report their opinion upon the practicability of the undertaking, the advantage to be derived from it, and the probable expense.

Estimates have been prepared for the erection of two Court Houses; one at Bathurst, the other at Berrima, on the borders of Argyle. Circuit Courts will probably be holden at both these places within a short time, and it is desirable to have the required buildings erected

erected without delay. They are even now much wanted for the Quarter Sessions,—a Criminal Court, which it is expedient to hold within the District where the offences to be tried have been committed, both for the saving of expense and for the sake of example. Gaols will doubtless be required at both places, but as these have hitherto been constructed in this Colony at the expense of the British Treasury, there is not any charge for their erection in the Estimates now laid before Council.

Sums are required for carrying on the Breakwater at Newcastle, and repairing the Pier, and for making a landing Quay at Parramatta. This latter work can be accomplished at a small expense, as much of the material required for the construction was conveyed to the spot during the Government of Sir Thomas Brisbane, and is now there. A sum is also proposed to be granted for the improvement of the Navigation of the Parramatta River.

The sum of £8,000 is proposed to be granted in aid of the Police Establishments of the Colony, being about the amount taken from the Colonial Revenue for the same purpose; during the last two years, under the provisions of the Licensing Act and other local Ordinances. The total charge on the British Treasury for the Police of New South Wales amounted, in the last year, to the large sum of £21,959 12s. 9d., of which £5,982 11s. 3d. is the charge for Police Services in Sydney alone. To carry into effect the provisions of the Bill now before Council for the regulation of the Police of this Town, some additional expense will probably be required. The safety and convenience of the Town called loudly for such a measure as that now in progress; and as the inhabitants manifested no disposition to attend to the suggestions of a former Minute, and by means of a private Bill appointing Commissioners with power to levy a rate, to take upon themselves the charge of lighting, paving, and cleansing the streets, and conducting water into the town, it has remained with the Government to provide for these objects.

In the Police Expenditure, defrayed by the British Treasury, is a charge amounting to upwards of £1,600 per annum for salaries to stipendiary Magistrates. It has been an object of this Government to reduce the number of these Magistrates wherever it has been found practicable, not merely to save expense, but by supplying their places by the appointment of Gentlemen of intelligence and property, acting gratuitously, to accustom the latter to the discharge of the Magisterial duties. The benefit which the Mother Country derives from the services of an unpaid Magistracy, cannot be lost sight of even at this early period of the Colony's existence, without endangering, by disuse and the formation of other habits, the enjoyment of this privilege in future times. It has happened, however, that where a stipendiary Magistrate has been for a time laid aside, an application has been made by the inhabitants of the District, including some of the Resident Justices, for a re-appointment. Such an application must doubtless claim the attention of Government, but it appears reasonable that in a District where Colonists of wealth and intelligence, capable of discharging the duties of Justices of the Peace, solicit the aid of a stipendiary, that the expense should be borne by the Colony, and not by the British Treasury.

There is a charge for £222 15s. 8d. proposed to be paid to Lieut.-Colonel, and Mr. William Dumaresq, as the estimated value of a bridge over Wallis' Creek, near Maitland, constructed some years back, and purchased by them from the builder, with an engagement of the late Government to establish a toll to accrue to the benefit of the builder, or his assignees, for seven years. The toll was never established, though it was for some time collected; but having ceased to be demanded early in the last year, and as the place did not appear to this Government to be one at which it would be expedient to establish a toll, it was thought equitable to offer to Messrs. Dumaresq the value of the bridge as it then stood, appraised by the Colonial Architect at £222 15s. 8d., leaving also in their hands the amount of toll which had been for some time previously collected. The Messrs. Dumaresq have expressed their dissatisfaction with this arrangement, but it does not appear to the Government that any larger sum can, with propriety, be allowed.

The whole Estimated Charge for the year 1834, amounts to £114,208 14s. 6d., and the Ways and Means for defraying it to £134,250. The latter may be taken as follows:—

	£	£
Customs Duty on Spirits	90,000	
Duty on Tobacco	11,500	
Ad valorem Duty	4,000	
Miscellaneous Receipts of Customs	2,500	108,000
Rents of Tolls, Ferries, and Market Dues	2,600	
Licenses for the Retail of Spirits, and Auction Licenses	7,000	
Auction Duties	1,400	
Duty on Colonial Spirits	750	
Fees collected in Public Offices.....	5,000	
Miscellaneous.....	500	
		17,250
Balance of the Year 1832		9,000
		£134,250

From these statements there results a surplus in favor of the Colony amounting to £20,041 5s. 6d., to which will be added whatever Balance of Revenue over Expenditure for the present year shall remain in the Treasury on the 31st December next. When it is considered that the Colony is in want of several public buildings of considerable importance and expense, the accumulation of a surplus is, for the present, desirable.

In the Abstract of Revenue and Expenditure for the last year, the Council will have perceived that several sums appropriated to useful purposes remained unexpended at its close.

This

This circumstance, as far as relates to public works and buildings, has been occasioned by the great difficulty alluded to in a former Minute, of procuring contracts upon secure and reasonable terms. Some of the works are, however, in progress, and will be completed, with as little delay as possible. The unexpended sums remain in the Treasury to be drawn and accounted for, in the present year.

A Statement of the Balance remaining in the Treasury on the 31st December, 1831, appropriated to the discharge of Commissariat claims, accruing from the years 1828 to 1831, inclusive, has been laid before the Council; by which it appears that a payment has been made of £23,927 13s. 10d. in discharge of those claims. The accounts for the four years are now nearly made up, and will be laid before Council in the present Session.

RICHARD BOURKE.

June 14, 1833.

No. 12.

TUESDAY, 18TH JUNE, 1833.

1. Council met pursuant to adjournment.—His Excellency the Governor in the Chair. Sydney Police Bill; further amended in Committee; to be re-printed, and re-committed on Tuesday, the 25th instant.
2. Committee appointed to enquire into the mode in which the formation of the Tunnel for conducting water to Sydney, is carried on, and to report the means by which its progress may be accelerated, and the supply of water rendered more generally useful, by leading it to public fountains, or to private houses, upon payment of a regulated rate—

THE COLONIAL SECRETARY,

MR. BERRY,
MR. JONES,

MR. BLAXLAND,
MR. BELL.

3. Impounding Bill; re-committal deferred until to-morrow.
Council adjourned at four o'clock, until to-morrow, at one o'clock.

ORDERS OF THE DAY.

WEDNESDAY, JUNE 19.

1. Impounding Bill; re-committal.
2. Tunnel Bill; second reading.

TUESDAY, JUNE 25.

1. Sydney Police Bill; further consideration.

E. DEAS THOMSON, *Clerk of the Council.*

No. 13.

WEDNESDAY, 19TH JUNE, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Impounding Bill; re-committed and further amended; to be fairly transcribed, and presented by Mr. H. H. M'Arthur and Mr. Bell, to His Excellency the Governor.
2. Tunnel Bill; second reading deferred until to-morrow.
Council adjourned at four o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

THURSDAY, JUNE 20.

1. Tunnel Bill; second reading.

TUESDAY, JUNE 25.

1. Sydney Police Bill; further consideration.

E. DEAS THOMSON, *Clerk of the Council.*

No. 14.

THURSDAY, 20TH JUNE, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Tunnel Bill; read a second time, committed and amended; to be further considered on Tuesday next.
2. Petition presented from William and Henry Dumaresq, Esquires, praying further compensation for the loss of tolls on Maitland Bridge. To be printed.
Council adjourned at four o'clock, until Tuesday next at one o'clock.

ORDERS

ORDERS OF THE DAY.

TUESDAY, JUNE 25.

1. Sydney Police Bill ; further consideration.
2. Tunnar Bill ; further consideration.

NOTICE OF MOTION.

TUESDAY, JUNE 25.

1. Colonial Secretary—Consideration of the Estimates for 1834.

E. DEAS THOMSON, *Clerk of the Council.*

To HIS EXCELLENCY THE GOVERNOR and Members of the Legislative Council.

The Petition of the Undersigned respectfully

SHEWETH :—

That Petitioners became possessed of a Property in the Bridge erected over Wallis' Creek, Maitland, as hereinafter shown ; and now seek compensation for the *non-fulfilment*, on the part of Government, of the Conditions on which the Bridge was designed and completed ; and on the faith of which, they purchased their Property therein.

Petitioners beg leave to subjoin the following Statement of the origin of the undertaking, and of the circumstances upon which their present claims are founded.

In consequence of the great inconvenience and loss of Property, experienced by the Public, for want of a Bridge over Wallis' Creek, Maitland, Mr. M'Leod of Luskintyre, in the month of January, 1827, proposed to erect one, on Condition of receiving Tolls thereat, for a period of Ten Years, after its completion.

Previous to acceding to this proposition, the Surveyor General was called on to state, whether any similar undertaking had ever been sanctioned in this Colony ; to which he replied, that the Bridge over the South Creek, at Windsor, was put up by Mr. A. Thomson, on Condition of his receiving the Tolls for Seven Years.

On the 4th of February following Mr. M'Leod received a reply to his proposal, in the undermentioned terms :—

“ SIR,—Your proposal of the 5th ultimo, to build a good substantial Wooden Bridge over Wallis' Creek, Hunter's River, having been submitted to the Governor, I am directed by His Excellency to intimate to you, that it is accepted on the following Conditions, viz. :—

“ 1.—That you are to receive the customary Toll (the amount of which will be specified hereafter), during seven years, from the day of the Bridge being opened for the use of Passengers.

“ 2.—That you are to keep the Bridge in repair at your own expense, and to deliver it over in that state to the Government, at the expiration of the above-mentioned period.

“ 3.—You are to build an inn, and establish a stock-yard for the accommodation of the Public, for which purpose five acres of land will be allowed you, on making a selection if no objection exist to your receiving the spot selected.

“ If you accede to these terms, I have to request you will inform me to that effect ; after which you will be liberty to proceed with the work *as soon as you think proper.*

I have, &c.,

(Signed) “ALEXANDER M'LEAY.”

“To A. M'Leod, Esq.”

On the 1st March following, Mr. M'Leod intimated his willingness to accept the proffered terms, and on the 1st of September, 1827, he notified “that the Bridge would be completed, and ready to be opened for passengers on the 15th of that month. He requested, “at the same time, that a table of the rates of Tolls to be levied might be furnished him.”

He was informed in reply, that no Tolls could be sanctioned until authorised by an Act of Council.

The Bridge, however, *being completed*, Mr. M'Leod, by tacit agreement on the part of the Public, in acknowledgment for the important benefit conferred on them, collected Tolls, at the rate formerly levied at the Windsor Bridge, before alluded to.

The passing of the Act of Council was still delayed, when Mr. M'Leod, in October, 1829, again addressed the Government on the subject, adding, “that at present, it is a mere private arrangement which exists between myself and the Public, and every day the Act is delayed, is so much time lost to the Government, who have only to come into possession at the expiration of seven years from the passing the said Act.”

Such was Mr. M'Leod's understanding of the matter ; and the Government did not dispute its accuracy :—and such was the understanding upon which his interest in the Bridge was disposed of to Petitioners. The Tolls, at that time, were let for £168 per annum, and £190 were offered for them the following year.

Up to this period no question arose on the part of the Public with respect to the Tolls.

Shortly after, however, circumstances occurred which induced certain individuals to resist their payment, and Petitioners' tenant was consequently unable to fulfil his agreement.

An

An Action at Law was then instituted to establish a right of Public way across the Bridge; and in order to shew the view which the Government then took of its engagement with the Proprietors, it will be sufficient to mention, that the Attorney General received instructions to defend the action; and the necessary clauses were introduced into a Toll Bill, then drafted, to legalize the collection of Tolls, and to indemnify the Proprietors for the past receipt of them.

On the 26th of January, 1832, it was intimated to memorialists, that the views of the Government had changed in the above respect, and that "the Attorney General had been instructed to cease from defending the Assignees in any way, from suits arising out of their demand for Tolls."

Petitioners were informed at the same time, "that it appeared to His Excellency to be advisable, to propose to the Legislative Council, to purchase the Bridge from the Assignees of the original Proprietors, provided this could be effected upon reasonable terms. But that, in the event of their proposal being such as His Excellency could not feel himself warranted to lay before the Council, or, of its being rejected by that body, the matter must remain as at present."

Upon receipt of this letter, no time was lost in compromising the Action in question, paying all expenses; and the Bridge, of necessity, was thrown open, under a confident expectation, however, that the Government would either purchase Petitioners' interest therein; or, upon further consideration, pass the necessary Act of Council, to enable them to demand Tolls.

It will be observed from the tenor of the above-mentioned letter, that the Government admitted Petitioners' right to compensation, but seemed to reserve to itself the privilege of fixing its amount.

In answer to this communication, Petitioners proposed to transfer to the Government, their property in the Bridge, on being reimbursed its original cost, (since ascertained to have been six hundred and sixty-three pounds, fourteen shillings, and two pence,) and on condition of being borne harmless in the Actions at Law, then pending. To the latter part of this proposition, the Government objected; but, Petitioners were told, "that if they consented to give up this point, His Excellency would direct a person to be sent immediately to inspect and report on the state of the Bridge, and the price required for the same."

It appeared to Petitioners at that time, that they could not with safety forego their claim to the protection of Government; and they again urged, that the conditions on which the Bridge was built, might be fulfilled, by passing the necessary Act of Council to legalize the collection of Tolls.

Shortly after, a general Toll Act was passed and promulgated, in which the Maitland Bridge was omitted; the clause before alluded to, to legalize the collection of Tolls and to indemnify the Proprietors for the past receipt of them having been struck out. Upon this, Petitioners on the 7th of April, 1832, requested to be informed what were the intentions of the Government with respect to the Bridge; observing, that in consequence of a succession of floods, some repairs had become necessary to it.

On the 24th of that month, Petitioners were informed in reply, "that with reference to the report made by Mr. Hallen, Civil Architect, His Excellency was ready to propose to the Legislative Council, to purchase that structure for two hundred and twenty-two pounds, fifteen shillings, and eight-pence," the estimated cost of a new one of the same description.

In the letter conveying this intimation, the Colonial Secretary added, "that the arrangement suggested was one which was considered advantageous for the Proprietors of the Bridge, who had already had the benefit of some years' Tolls; and as its situation was such, as to render the levying a Toll on it inconvenient to the Public, the Government had no other view in proposing to purchase the property, than to compensate the Builders."

Petitioners replied that they were at a loss to discern how this proposition could be considered as a favourable one; inasmuch as it offered little more than the amount of one year's Tolls for the purchase of their seven years' interest in them; and, even under the supposition that the collection of Tolls had been duly authorised by the Government, at the time the Bridge was opened, there would still remain an unexpired term of nearly three years.

Petitioners would here remind your Excellency and Council, that the Principal Proprietor of the Bridge purchased his interest therein, at the close only of the year 1829, and consequently had not benefitted materially by the receipt of Tolls. They now beg leave to explain the precise terms on which this property was acquired.

One of Petitioners (although absent from the Colony during the progress of the undertaking) was an original party to it, to the amount of one-third; the other purchased the remaining two-thirds on the following conditions, viz.—To pay the cost price of the Bridge, together with interest at ten per cent. on all monies as they had been expended.

To effect this purchase, part of the proceeds of the sale of his Commission was appropriated, believing, that by so disposing of it, he was, in effect, only exchanging the security of Government in one case, for its equal guaranty in another, doubting as little the fulfilment of the conditions on which the Bridge was constructed, and by which he was to be re-imbursed, as the issue of his military pay!

All his arrangements for settling in this Colony, erecting a dwelling, and improving his land, had reference to the income he expected to derive from these Tolls; and he disposed of his remaining capital accordingly. His expectations have not only been defeated, but he has been burthened with law expenses, and become obnoxious to suits, arising out of what has since been denominated "the illegal collection of the Tolls" in question.

In answer to the letter last alluded to, Petitioners observed, that from the tenor of the communications they had lately received, they were forced to conclude, that the Government had determined not to abide by the conditions upon which the Bridge was built; and, such being the case, it was obvious that they must of necessity, relinquish possession of it. They added,

added, that without venturing to comment upon proceedings which *obliged them* to close with such terms as the Government thought right to offer, it did not appear that they had any other course open to them than to accept the sum tendered; they begged, at the same time, to disclaim all acquiescence in the justice of being *driven* to such an alternative, and only assented to it, under an express understanding that the proposed payment should be *on account*, and without prejudice to such further claims, as they might be enabled to establish by process at law, or otherwise, as they might be advised.

Petitioners were informed, on the 1st of May last year, "that His Excellency could not order any payment to be made on account, as he considered it should be final." On the 5th of that month, Petitioners obtained an interview with the Governor, hoping, by means of personal explanation, to induce a further consideration of their claims, and by frankly discussing their merits, obtain a nearer approximation to what they considered an equitable adjustment of them. On this occasion Petitioners proposed, as is usual in cases where matters of property are involved, and more especially where the *amount and not the equity* of a claim is in question, that the points at issue should be submitted to arbitration, and not be peremptorily decided by a party concerned. Their proposition was rejected.

Petitioners then resolved on seeking redress at Law, and proposed to request authority from the Government to institute an Action in the Supreme Court of the Colony, for the recovery of their rights. They would have gladly availed themselves of the opportunity which a public trial would have afforded, to expose every proceeding connected with their case; respecting which, much vulgar clamour had been raised, and many false statements had been made.

On consulting Counsel, Petitioners learnt that no such course could be taken, and they mention their intention here with a view only of shewing that they felt anxious by every means in their power, to bring about a decision of their case, in such manner, that its merits might be strictly canvassed; as well as to shew that they were willing, notwithstanding the popularity of the act of throwing open the Bridge to the Public, to have abided the award of a Jury.

Petitioners then sought to bring their claims under consideration of the Executive Council, but again failed in their object.

On the 7th of December last, twelve months having been past in fruitless endeavours to obtain compensation from the Local Government, Petitioners transmitted a statement of their case, for the purpose of being forwarded to the Secretary of State; and they affirmed (believing such to be the fact) that it had been proposed on their part, to submit the matter to arbitration, or, to "*either of the Councils.*"

It was pointed out to them, that no "*Official*" proposition to this effect had been received by the Government; upon which, Petitioners hastened to reiterate their wish that their case might be laid before Your Excellency and Council. Repeating at the same time their unqualified dissent, from the principle of their claims being limited by an estimate of the present value of the Bridge, without reference either to the nature of the conditions entered into on the part of the Government, or, the faith on which their interests are founded.

In order to exemplify their view of such a proceeding, they urged that it would have been as reasonable, that the Houses purchased for the purpose of opening the Strand, or the approaches to London Bridge, should have been estimated at the actual value of the brick and mortar composing them; and a price have been arbitrarily fixed, beyond which no payment should be made.

Petitioners, however, expressed their perfect readiness to accept whatever sum might, after a consideration of their case, be awarded by Your Excellency and Council; and they have recently been apprised, as follows:—"That it is intended to place on the estimates for 1834, which will be laid before Council at the end of May, or beginning of June next, the sum of two hundred and twenty-two pounds, fifteen shillings and eight-pence, to be paid to you, as the amount at which the Bridge was valued in 1832. It will then be open for you, should you think proper, to petition Council for a larger sum; and should the Council deem it fit to address the Government recommending a larger sum, His Excellency will not refuse to amend the estimates accordingly."

Upon this authority, Petitioners respectfully found the following request, viz:—

That Your Excellency and Council will take into consideration.—

First.—The amount of positive loss to which Petitioners have been subjected, in consequence of the *non-fulfilment* on the part of the Government of the conditions of the contract entered into.

Secondly.—The expenses of Law suits, Counsel's opinions, &c. &c., which would otherwise have been avoided, as well as loss of time.

Thirdly.—The trouble, anxiety, and disappointment which have resulted therefrom.

In estimating the first, Petitioners leave to Your Excellency and Council to decide, whether they be entitled to the amount of Tolls for *seven years*, or only for the residue of that term, from the opening of the Bridge in September, 1827.

In either case, it is submitted, that considering the increased and increasing traffic with Maitland, and the rapidly extending establishments on the banks of the Hunter, these Tolls will not be over-valued at the sum of *two hundred pounds a-year*.

They would further submit, that, as the Government declined to protect them against Actions at Law, for the past receipt of Tolls, Petitioners have a fair claim to their amount for the full period of Seven Years.

In this case, their demand may be stated, at the least, to amount to one thousand and four hundred pounds, and interest thereon, from January, 1832, when the Bridge was of *necessity*, thrown open.

If, however, the sum to be awarded Petitioners, be calculated upon the original cost of the

the Bridge, and interest, from January, 1832, together with expenses to which they have since been liable; then, they beg leave to amend a statement formerly made, of its value, and which was founded on an erroneous calculation of its amount, furnished by Mr. M'Leod.

This gentleman stated, that when the draft oxen, tools, drays, &c., used in carrying on the work should be sold, the actual cost, would be reduced from seven hundred and forty-six pounds, two shillings and seven pence farthing to about four hundred and fifty pounds. Whereas, it appears, by accounts subsequently rendered, and the Auctioneer's Bills, that eighty-two pounds fourteen shillings and two pence farthing, only, was credited, as being the proceeds of the sale.

Deducting this sum, the cost of the Bridge will be.....	£603	8	5
Add interest thereon.....	176	0	0
Law expenses	60	0	0
Journies, &c., say	10	0	0
Expenses of Repairs.....	15	0	0
	<hr/>	<hr/>	<hr/>
	£924	8	5

Having thus brought under notice of your Excellency and Council, the nature and amount of their claims, (founded as Petitioners presume to think) on a contract, as clearly defined and little ambiguous as possible, they would request permission to advert to the circumstance of Mr. M'Leod, having, conjointly with the erection of the Bridge, engaged to build an Inn and Stockyard, at Maitland, on the condition of receiving a grant of five acres of land for that purpose. These undertakings were never separated, and will be found mentioned in connexion, throughout the whole of the Official Correspondence on the subject.

Having completed his engagements, Mr. M'Leod, in 1829, applied for, and obtained the necessary Deeds of Grant and Title, to the Land in question, with a view to the disposal of his Property therein. It may therefore be asked, upon what grounds, the Government has receded from the fulfilment of one part of its engagement, whilst it has completed the other.

Petitioners here respectfully beg leave to offer a remark upon the following observation, made personally, at the interview alluded to in the body of this Petition.

It was then affirmed that the present Government ought not to be called upon to complete engagements which the preceding Government had permitted to lie over for a space of three years; but, unless *wrong* committed be a reason why *wrong* should be persisted in, a plea of this description cannot be maintained!

Will it be contended, that, because from the earliest settlement of the country, up to the present moment, succeeding Governors have been unable to furnish the necessary Deeds of Grant for all the alienated Lands, that this delay absolves the present or future Government, from the necessity of fulfilling such engagements?

It will not have escaped the notice of the Council, that the compensation hitherto offered Petitioners, seems to have been calculated on an estimate made of the cost of a new Bridge of the same construction; without reference to the fact, that when the present structure was commenced, the site of the town of Maitland was a wilderness; and that working oxen, drays, and all materials required for its erection, as well as the cost of labour and provisions, may be stated at thrice their value now.

This circumstance is adverted to, in order to account in some measure for the great difference between the estimate of the Civil Architect, made in January, 1832, and the actual cost of the Bridge in 1827.

Besides, it would be a rare occurrence to find the amount of an undertaking limited by an estimate of its probable cost!

At the time it was erected, the Bridge was essential to the prosperity of these districts, and the undertaking was loudly extolled. It was considered a happy omen, that private enterprize was about to supersede the necessarily disjointed efforts of the Government; and every advantage arising from its success, would have been cheerfully conceded to the projector.

Had an Act of Council been then passed to legalize the collection of Tolls, the "inconvenience to the Public," since discovered, would have been unheard of.

As the mode in which the Bridge is constructed, has likewise been the subject of comment, Petitioners would point out that the Plan was approved by the Government, and its execution partly superintended by one of its Overseers.

It is no indifferent test of its merit, that it is one of the only two Bridges in the Colony which resisted uninjured, the floods of 1832. These two Bridges are built alike.

It must be observed however, that Petitioners have never sought to be released from the terms of the original agreement. They have asked for no abatement or modification of the conditions entered into by Mr. M'Leod, nor have they attempted to evade them; they have only required from the Government, the fulfilment of its Bond.

The question of compensation arose not with Petitioners. It is hoped, nevertheless, that on reference to their correspondence, the Council will perceive that no captious difficulties have been manifested on their part, or any unbecoming spirit of greediness.

There remains but one point more arising out of the late official correspondence with the Government, which Petitioners feel called upon to notice. It is that paragraph in the Colonial Secretary's letter, which states "that the situation of the Bridge is such, as to render the levying "a Toll on it inconvenient to the Public."

With reference thereto, Petitioners will only observe, that the site of the Bridge is the focus of every road, leading from the interior of the country to water carriage; and that the Toll cannot be evaded.

But even were it otherwise, it does not appear to Petitioners that their claims would be

be affected thereby; and it would be unsafe to allow a tardy discovery of this nature, to triumph over public faith, or break through engagements entered into upon authority, which in this country has at present all the force of a vested right, viz:—A letter from the Public Secretary.

The Colonists in general, have no better title to their houses and inheritance of their children, than Petitioners possess to the Tolls of the Maitland Bridge.

Petitioners now leave their case in the hands of Your Excellency and Council; and will only add, that they ask alone, what in justice they may be considered entitled to.

Petitioners as in duty bound, will ever pray.

W. DUMARESQ,
H. DUMARESQ,
Lieutenant Colonel.

*St. Heliers, Hunter's River, }
May 20th, 1833. }*

No. 15.

TUESDAY, 25 JUNE, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. Petition presented from certain Roman Catholic and other Inhabitants of Campbelltown, praying assistance towards the completion of the Roman Catholic Chapel, the appointment of a Roman Catholic Clergyman, and an adequate provision for the education of the humbler classes of the Roman Catholic community at that place.—To lie on the Table.
2. His Excellency the Governor, in reference to the Resolution of Council of 13th October, 1832, relative to a proposed augmentation of the Salary of the Under Sheriff, laid upon the Table a Report from their Honors the Judges of the Supreme Court upon the duties of the Sheriff and Under Sheriff, respectively.—To lie on the Table.
3. Motion made and question put, that the Estimates of Expenditure for 1834, be now considered in Committee.—*Passed without a division.*
 - (1.) Resolved, That a sum not exceeding £930 7s. 1d., be appropriated to defray the expense of the Establishment of His Excellency the Governor, for the year 1834.
 - (2.) Resolved, That a sum not exceeding £806 2s. 6d., be appropriated to defray the expense of the Department of the Executive and Legislative Councils, for the year 1834.
 - (3.) Resolved, That a sum not exceeding £4,466 11s. 3d., be appropriated to defray the expense of the Department of the Colonial Secretary, for the year 1834.
 - (4.) Resolved, That a sum not exceeding £10,650, be appropriated to defray the expense of the Survey Branch of the Surveyor General's Department, for the year 1834.
 - (5.) Resolved, That a sum not exceeding £10,319 14s. 2d., be appropriated to defray the expense of the Road Branch of the Surveyor General's Department, for the year 1834.
 - (6.) Resolved, That a sum not exceeding £808 7s. 6d., be appropriated to defray the expense of the Colonial Architect's Branch of the Surveyor General's Department, for the year 1834.
 - (7.) Resolved, That a sum not exceeding £148 5s., be appropriated to defray the expense of the Board for the Assignment of Servants, for the year 1834.
 - (8.) Resolved, That a sum not exceeding £1,299 12s. 6d., be appropriated to defray the expense of the Department of the Colonial Treasurer, for the year 1834.
 - (9.) Resolved, That a sum not exceeding £1,486 11s. 3d., be appropriated to defray the expense of the Department of the Auditor General, for the year 1834.
 - (10.) Resolved, That a sum not exceeding £5,543 2s. 6d., be appropriated to defray the expense of the Department of the Customs, for the year 1834.
 - (11.) Resolved, That a sum not exceeding £1,306 17s. 6d., be appropriated to defray the expense of the Department of the Collector of Internal Revenue, for the year 1834.
 - (12.) Resolved, That a sum not exceeding £2,103, be appropriated to defray the expense of the Department of the Post Office, for the year 1834.
 - (13.) Resolved, That a sum not exceeding £300, be appropriated to defray the expense of the Department of the Surveyor of Distilleries, for the year 1834.
 - (14.) Resolved, That a sum not exceeding £160, be appropriated to defray the expense of Inspectors of Cattle for Slaughter, for the year 1834.
 - (15.) Resolved, That a sum not exceeding £764 18s. 8d., be appropriated to defray the expense of the Department of the Colonial Botanist, for the year 1834.
 - (16.) Resolved, That a sum not exceeding £1,291 17s. 1d., be appropriated to defray the expense of the Department of the Harbour Master, for the year 1834.
 - (17.) Resolved, That a sum not exceeding £25, be appropriated to defray the salary of the Housekeeper of the Public Offices, Macquarie-street, Sydney, for the year 1834.
 - (18.) Resolved, That a sum not exceeding £1,000, be appropriated to defray the salaries, and contingencies, of Agents and Residents abroad.

PROTEST.—I protest against the proposed sum of £500 a-year as a salary for a Resident at New Zealand, on the ground that it is contrary to the New South Wales Act, 9th Geo. IV, cap. 83; and I request that the grounds of this my dissent from the Estimate may be recorded on the Minutes of the Council, and that an extract copy of such Minute may be transmitted, together with a copy of the Estimate, to the Right Honorable the Secretary of State for the Colonies, for the consideration of His Majesty's Government.

(Signed)

JOHN BLAXLAND,

(19.)

- (19.) Resolved, That a sum not exceeding £3,664 Os. 10d., be appropriated to defray the expense of the Supreme Court, for the year 1834.
- (20.) Resolved, That a sum not exceeding £2,660 17s. 1d., be appropriated to defray the expense of Courts of Requests, for the year 1834.
- (21.) Resolved, That a sum not exceeding £1,720, be appropriated to defray the expense of Courts of Quarter Sessions, for the year 1834.
- (22.) Resolved, That a sum not exceeding £720, be appropriated to defray the expense of Coroners and of Inquests, for the year 1834.
- (23.) Resolved, That a sum not exceeding £620, be appropriated to defray the expense of the Military Establishment of the Colony, for the year 1834.
- (24.) Resolved, That a sum not exceeding £1,875 3s. 9d., be appropriated to defray the expense of the Pensions payable out of the Funds of the Colony, for the year 1834.
4. Motion made and question put, That His Excellency the Governor be requested to communicate to the Right Honorable the Secretary of State for the Colonies, the recommendation of this Council that the pension to Mrs. King, widow of Governor King, be raised from £200 to £300 per annum, in consideration of the services of her husband, the fact of Mrs. King having become a resident in the Colony, and the inadequacy of the sum now granted to maintain her station in society.—*Passed without a division.*
Further consideration of Estimates deferred until Friday next.
5. Sydney Police Bill; farther consideration deferred until Friday next.
6. Tunnel Bill; further consideration deferred until to-morrow.
Council adjourned at four o'clock, until to-morrow, at one o'clock.

ORDERS OF THE DAY.

WEDNESDAY, JUNE 26.

1. Tunnel Bill; further consideration.

FRIDAY, JUNE 28.

1. Estimates for 1834; further consideration.
2. Sydney Police Bill; recommittal.

E. DEAS THOMSON, *Clerk of the Council.*

No. 16.

WEDNESDAY, 26 JUNE, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair and laid upon the Table, "A Bill for appointing the fees to be taken in the several Courts of Police and Petty Sessions, and by the Clerks of Justices acting singly, in the Colony of New South Wales." Bill read a first time, to be printed, and read a second time on Tuesday next.
2. His Excellency the Governor laid upon the Table, "A Bill for ascertaining the number of the inhabitants of the Colony of New South Wales." Bill read a first time, to be printed, and read a second time on Tuesday next.
3. Tunnel Bill; further amended in Committee: to be again considered on Friday next.
Council adjourned at Three o'clock, until Friday next, at twelve o'clock.

ORDERS OF THE DAY.

FRIDAY, JUNE 28.

1. Estimates for 1834; further consideration.
2. Sydney Police Bill; recommittal.
3. Tunnel Bill; further consideration.

TUESDAY, JULY 2.

1. Fees Bill; second reading.
2. Census Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

FRIDAY, 28 JUNE, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Petition presented from Thomas Macquoid, Esquire, Sheriff of New South Wales, praying that further provision may be made for the office of Under-Sheriff. To lie on the Table.
2. Tunnel Bill; further amended in Committee; to be fairly transcribed, and presented to the Governor by the Attorney General and Controller of Customs.
3. Estimates for 1834; further considered in Committee.
 - (1.) Resolved—That a sum not exceeding £2,857 15s. 10d. be appropriated to defray the expense of the Law Officers of the Crown, for the year 1834.
 - (2.) Resolved—That a sum not exceeding £1,911 18s. 9d. be appropriated to defray the expense of the Department of the Sheriff, for the year 1834.
Motion made and question put, That His Excellency the Governor be requested to communicate to the Right Honorable the Secretary of State for the Colonies, that taking into consideration the difficult nature of the duties, and the serious responsibility attached to the office of Sheriff in this Colony, and the necessity therefore of adequate assistance being afforded to him in its discharge, it is the opinion of this Council that the present appointment of an Under Sheriff, with a Salary of £200 per annum, is insufficient to the discharge of the greatly increased duties of the Sheriff's Office; and they therefore recommend that a professional gentleman may be appointed at a Salary of £500 per annum, to be paid out of the fees of the Office, and that such Officer give security for any liabilities he may incur. Council divided—Ayes, 5—Noes, 6.
 - (3.) Resolved—That a sum not exceeding £11,917 10s. 0d. be appropriated to defray the expense of the Episcopalian Clergy, for the year 1834.
 - (4.) Resolved—That a sum not exceeding £180 be appropriated to defray the expense of the King's Schools, for the year 1834.
 - (5.) Resolved—That a sum not exceeding £2,806 be appropriated to defray the expense of the Parochial Schools, for the year 1834.
 - (6.) Resolved—That a sum not exceeding £1,300 be appropriated to defray the expense of the Male Orphan School, for the year 1834.
 - (7.) Resolved—That a sum not exceeding £1,500 be appropriated to defray the expense of the Female Orphan School, for the year 1834.
 - (8.) Resolved—That a sum not exceeding £801 be appropriated to defray the expense of the Management of the Trust of Clergy and School Lands, for the year 1834.
 - (9.) Resolved—That a sum not exceeding £600 be appropriated to defray the expense of the Presbyterian Clergy, for the year 1834.
 - (10.) Resolved—That a sum not exceeding £1,900 be appropriated to defray the expense of the Roman Catholic Clergy and Schools, for the year 1834.
 - (11.) Resolved—That a sum not exceeding £1,900 be appropriated to defray the expense of Stationery, Printing, Book-binding, Gazettes, and Almanacks, for the several Colonial Departments, for the year 1834.
 - (12.) Resolved—That a sum not exceeding £120 be appropriated to defray the expense of Fuel and Light for the several Colonial Departments, for the year 1834.
 - (13.) Resolved—That a sum not exceeding £750 be appropriated to defray the expense of an allowance to the Honorable Alexander McLeay, Esquire, in fulfilment of an agreement with the Right Honorable the Secretary of State for the Colonies, and in lieu of fees.
Protest.—I protest against the Colonial Secretary receiving £750 a-year out of the Colonial Funds for services performed in England. The New South Wales Act, 9 Geo. IV. c. 83, s. 35, expressly prohibits the Legislative Council from raising any tax, excepting for local purposes; it is, therefore, illegal to charge a pension for services performed in the Transport Office at Home, upon the Funds of the Colony. I request that the grounds of this my Dissent from the Estimate may be recorded on the Minutes of the Council; and that an extract copy of such Minute may be transmitted, together with a copy of the Estimate, to the Right Honorable the Secretary of State for the Colonies, for the consideration of His Majesty's Government.
(Signed) JOHN BLAXLAND.
 - (14.) Resolved—That a sum not exceeding £300 be appropriated to meet drawbacks of Customs, for the year 1834.
 - (15.) Resolved—That a sum not exceeding £850 be appropriated to meet the Restitution of Duty on Spirits supplied by Contractors to His Majesty's Troops in the Interior, for the year 1834.
 - (16.) Resolved—That a sum not exceeding £273 be appropriated to defray the expense of constructing a Landing Jetty on the south-east side of Sydney Cove.
 - (17.) Resolved—That a sum not exceeding £200 be appropriated to defray the expense of facing the Quay at Parramatta with Stone.
 - (18.) Resolved—That a sum not exceeding £500 be appropriated to defray the expense of removing Obstructions in the Parramatta River.
 - (19.) Resolved—That a sum not exceeding £1,000 be appropriated to defray the expense of erecting a Court House at Berrima.
 - (20.) Resolved—That a sum not exceeding £1,000 be appropriated to defray the expense of erecting a Court House at Bathurst.
 - (21.) Resolved—That a sum not exceeding £500 be appropriated towards defraying the expense of constructing the Breakwater at Newcastle.

Motion

Motion made and question put—That the consideration of the claim to compensation of Messrs. Dumaresq, for loss of Tolls on Maitland Bridge, be deferred until Tuesday next; and that petitioners be heard on that day, and such witnesses examined as they may bring forward in support of their claim.—Passed without a division.

Motion made and question put—That Mr. Patrick Campbell, Superintendent of a Road Party, and Mr. Walter Scott, Commissariat Officer, be summoned to attend on that day.—Ordered.

(22.) Resolved—That a sum not exceeding £200 be appropriated to defray the expense of constructing a Pier at Newcastle.

(23.) Resolved—That a sum not exceeding £400 be appropriated towards defraying the expense of Building Roman Catholic Chapels at Maitland and Campbell Town.

(24.) Resolved—That a sum not exceeding £1,200 be appropriated to defray the expense of casual Repairs to Government House, Courts of Justice, and other Colonial Public Buildings, for the year 1834.

(25.) Resolved—That a sum not exceeding £600 be appropriated to defray the expense of Furniture for Government House and Public Offices, for the year 1834.

(26.) Resolved—That a sum not exceeding £310 5s. be appropriated to defray the expense of Lighting one hundred and two Lamps in the Town of Sydney, for the year 1834.

(27.) Resolved—That a sum not exceeding £200 be appropriated to defray the expense of the Colonial Museum, for the year 1834.

(28.) Resolved—That a sum not exceeding £1,400 be appropriated in aid of the Mission to the Aborigines by the Church Missionary Society; and to defray the expense of donations of provisions, clothing, and blankets to the same, for the year 1834.

Further consideration of Estimates deferred until Tuesday next.

4. Sydney Police Bill; recommitment deferred until Wednesday next.

Council adjourned at four o'clock, until Tuesday next, at one o'clock.

ORDERS OF THE DAY.

TUESDAY, JULY 2.

1. Fees Bill; second reading.
2. Census Bill; second reading.
3. Estimates for 1834; further consideration.

WEDNESDAY, JULY 3,

1. Sydney Police Bill; recommitment.

E. DEAN THOMSON, *Clerk of the Council.*

No. 18.

TUESDAY, 2 JULY, 1833.

1. Council met pursuant to adjournment. His Excellency the Governor in the Chair. Petition presented from the Reverend J. J. Therry, Roman Catholic Clergyman, praying compensation for advances made by him on account of the Roman Catholic Chapel, Sydney.—To lie on the Table.
2. Magistrates' Fees Bill; read a second time, committed and amended. Schedule of fees referred to His Honor the Chief Justice and Mr. Bell; further consideration of Bill deferred until Thursday next.
3. Census Bill; read a second time, committed and amended; to be fairly transcribed, and presented to the Governor by the Attorney General and Controller of Customs.
4. Estimates for 1834; further consideration deferred until to-morrow.
Council adjourned at four o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

WEDNESDAY, JULY 3.

1. Sydney Police Bill; recommitment.
2. Estimates for 1834; further consideration.

THURSDAY, JULY 4.

1. Fees Bill; further consideration.
-

NOTICE

NOTICE OF MOTION.

FRIDAY, JULY 5.

1. The Colonial Secretary—That a sum not exceeding £359 17s., be appropriated and taken from the vote of credit for the year 1833, to be paid to the Honorable Mr. Justice Burton, to defray the amount of his half salary as Puisne Judge, from the 11th October, to the 31st December, 1832, both days inclusive; and the expense of his passage from the Cape of Good Hope to New South Wales.

E. DEAS THOMSON, *Clerk of the Council.*

No. 19.

WEDNESDAY, 3 JULY, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. Committee appointed to enquire into the sufficiency of the present Establishment of Constables throughout the Colony, as reduced and constituted by the Government Order of the 23rd May, 1831, and to report to Council thereon; viz.—

THE ATTORNEY GENERAL,

MR. RICHARD JONES,
MR. JOHN BLAXLAND,MR. HANNIBAL H. MACARTHUR,
MR. ARCHIBALD BELL.

2. Estimates for 1834; further considered in Committee. Motion made and question put, that Lieutenant Colonel Dumaresq be called in and heard in support of the claim set forth in his Petition.—*Passed without a division.* Motion made and question put, that Mr. Peter M'Intyre be called in and examined for the Petitioners.—*Passed without a division.* Petitioner and witness having withdrawn— Motion made and question put, that in order to give time for the production of witnesses against the claim, the further consideration thereof be deferred to Wednesday, the 17th instant.—*Passed without a division.*
3. Sydney Police Bill; recommittal deferred until to-morrow. Council adjourned at half-past five o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

THURSDAY, JULY 4.

1. Sydney Police Bill; recommittal.
2. Fees Bill; further consideration.

NOTICE OF MOTION.

FRIDAY, JULY 5.

1. The Colonial Secretary—That a sum not exceeding £359 17s., be appropriated and taken from the vote of credit for the year 1833, to be paid to the Honorable Mr. Justice Burton, to defray the amount of his half salary as Puisne Judge, from the 11th October, to the 31st December, 1832, both days inclusive; and the expense of his passage from the Cape of Good Hope to New South Wales.

E. DEAS THOMSON, *Clerk of the Council.*

No. 20.

THURSDAY, 4 JULY, 1833.

1. Council met pursuant to adjournment. His Excellency the Governor in the Chair. Motion made and question put, That Charles Windeyer, Esquire, Assistant Police Magistrate, be summoned to attend the Sub-Committee on the Fees Bill to-morrow morning at ten o'clock. Ordered.
2. His Excellency laid upon the Table, "A Bill for making, altering, and improving the Roads throughout the Colony of New South Wales, and for opening and improving the Streets in the Towns thereof," Bill read a first time; to be printed, and read a second time on Tuesday, the 9th instant.
3. His Excellency the Governor laid upon the Table, "A Bill for adopting and applying certain Acts of Parliament relating to Forgeries, and to abolishing the punishment of Death in certain cases, in New South Wales and its Dependencies, and for making further provision therein," Bill read a first time; to be printed and read a second time on Wednesday, the 10th instant.

4. Tunnel Bill; presented by His Excellency the Governor, as amended; read a third time and passed.
 5. Sydney Police Bill; recommitted and amended, and further consideration deferred until Tuesday next.
- Council adjourned at half-past Four o'Clock, until to-morrow at Twelve o'Clock.

ORDERS OF THE DAY.

FRIDAY, JULY 5.

1. Fees Bill; further consideration.

TUESDAY, JULY 9.

1. Sydney Police Bill; further consideration.
2. Road Bill: second reading.

WEDNESDAY, JULY 10.

1. Forgery Bill; second reading.

NOTICE OF MOTION.

FRIDAY, JULY, 5.

1. The Colonial Secretary—That a sum not exceeding £359 17s. be appropriated and taken from the vote of credit for the Year 1833, to be paid to the Honorable Mr. Justice Burton, to defray the amount of his half salary as Puisne Judge, from the 11th October, to the 31st December, 1832, both days inclusive; and the expense of his passage from the Cape of Good Hope to New South Wales.

E. DEAS THOMSON, *Clerk of the Council.*

No. 21.

FRIDAY, 5 JULY, 1833.

1. Council met pursuant to adjournment. His Excellency the Governor took the Chair, and laid upon the Table the following Minute:—
 The Agricultural and Horticultural Society having represented that the present improved state of Horticulture in the Colony, renders it no longer necessary to cultivate the garden at Parramatta, for the purpose of rearing trees, and collecting seeds of superior qualities, for general distribution, and that having incurred a considerable expense in bringing the garden to perfection, and created on that account, a debt of £300, the Society is now desirous of restoring to Government the ground which has been fenced in, and a building erected upon it, on receiving the amount of the debt.
 I recommend to the Council to appropriate the sum of £300 to be issued to the Society, upon receiving back the land, containing about six acres and-a-half, which, from its situation, is of considerable value; and upon which it is proposed to build the King's School, ordered to be erected at Parramatta.
 I have further to recommend, that an additional sum of eight hundred pounds be appropriated for defraying the expense of erecting that School. It has been found, that a plain and substantial building, containing sufficient accommodation, cannot be erected for the sum of twelve hundred pounds, appropriated last year; and even, with the additional sum now called for, it will be necessary to reduce the number of boarders which it was originally intended to receive.
 I am to inform the Council, that the Right Honorable the Secretary of State for the Colonies, has communicated His Majesty's commands, that the salary hitherto paid to the Members of the Board for the Assignment of Servants, shall be discontinued. It has accordingly ceased, from the 1st instant, and will not appear in the Appropriation Act for the year 1834.

(Signed)

RICHARD BOURKE.

July 5th 1834.

2. His Honor the Chief Justice, as Chairman of the Committee on the Magistrates' Fees Bill, requested leave to report on Tuesday next.—Leave granted.
3. Resolved—That a sum not exceeding £359 17s. be appropriated and taken from the vote of credit for the year 1833; to be paid to the Honorable Mr. Justice Burton, to defray the amount of his half Salary, as Puisne Judge, from the 14th October, to the 31st December, 1832, both days inclusive; and the expense of his passage from the Cape of Good Hope to New South Wales.
 Council adjourned at one o'clock, until Tuesday next, at one o'clock.

ORDERS

ORDERS OF THE DAY.

TUESDAY, JULY 9.

1. Fees Bill; further consideration.
2. Sydney Police Bill; further consideration.
3. Road Bill; second reading.

WEDNESDAY, JULY 10.

1. Forgery Bill; second reading.

NOTICE OF MOTIONS.

TUESDAY, JULY 9.

The Colonial Secretary.—(1.) That a sum not exceeding £300, be paid to the Agricultural and Horticultural Society of New South Wales, in consideration of their relinquishing the land granted to them as a Garden, at Parramatta.

(2.) That a further sum not exceeding £800, be appropriated towards the erection of the King's School, at Parramatta.

E. DEAS THOMSON, *Clerk of the Council.*

No. 22.

TUESDAY, 9 JULY, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table the Census Bill as amended.—Bill read a third time and passed.
2. Motion made and question put, That the Estimates for 1834, be now further considered in Committee.—*Passed without a division.*
 - (1.) Resolved—That a sum not exceeding £2,103 be appropriated to defray the expense of the Mineral Surveyor's Department, for the year 1834.
 - (2.) Resolved—That a sum not exceeding £8,000 be appropriated towards the support of the Police Establishment of the Colony, for the year 1834.
 - (3.) Resolved—That a sum not exceeding £2,000 be appropriated to meet unforeseen expenses in cases of emergency, during the year 1834, to be hereafter accounted for.
 - (4.) Resolved—That a sum not exceeding £300 be paid out of the vote of credit for the year 1833, to the Agricultural and Horticultural Society of New South Wales, in consideration of their relinquishing the land granted to them as a garden at Parramatta.
 - (5.) Resolved—That a further sum of £800 be appropriated towards the erection of the King's School, at Parramatta, to be charged on the Estimates, for the year 1834.
3. Magistrates Fees Bill; His Honor the Chief Justice, as Chairman, brought up the Report of the Sub-Committee.—Bill further amended in Committee.—To be again considered on Thursday next.
4. Sydney Police Bill; further consideration deferred until to-morrow.
5. Road Bill; second reading deferred until to-morrow.
Council adjourned at four o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

WEDNESDAY, JULY 10.

1. Forgery Bill; second reading.
2. Sydney Police Bill; further consideration.
3. Road Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 23.

WEDNESDAY, 10 JULY, 1833.

1. Council met pursuant to adjournment.—His Excellency the Governor in the Chair.
Forgery Bill; read a second time, committed and amended; to be further considered to-morrow.
2. Sydney Police Bill; further amended in Committee; to be fairly transcribed, and presented to the Governor by the Attorney and Auditor General.
3. Road Bill; second reading deferred until to-morrow.
Council adjourned at five o'clock, until to-morrow, at twelve o'clock.

ORDERS

ORDERS OF THE DAY.

THURSDAY, JULY 11.

1. Forgery Bill; further consideration.
2. Road Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 24.

THURSDAY, 11 JULY, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. The Attorney General, as Chairman, brought up the report of the Sub-Committee appointed to enquire into the sufficiency of the Police Establishment of the Colony.—To lie on the Table.
2. His Excellency the Governor laid upon the Table, "*A Bill for applying certain Sums arising from the Revenue receivable in New South Wales, to the Services thereof, for the year one thousand eight hundred and thirty-four, and for further appropriating the said Revenue.*"—Bill read a first time; to be printed, and read a second time on Tuesday next.
3. *Forgery Bill*; further amended in Committee; to be fairly transcribed, and presented to the Governor by the Attorney and Auditor General.
4. *Road Bill*; read a second time, committed and amended; to be further considered to-morrow.

Council adjourned at four o'clock, until to-morrow at twelve o'clock.

ORDERS OF THE DAY.

FRIDAY, JULY 12.

1. *Road Bill*; further consideration.

TUESDAY, JULY 16.

1. *Appropriation Bill*; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 25.

FRIDAY, 12 JULY, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table the Impounding Bill as amended.—Bill read a third time and passed.
2. *Magistrates' Fees Bill*; further amended in Committee; to be fairly transcribed and presented to the Governor, by the Attorney General and Controller of Customs.
3. Committee appointed to examine certain plans and reports relating to the construction of a Quay at the Head of Sydney Cove, and to report upon the practicability of the undertaking, the advantage to be derived from it, and the probable expense—

THE ARCHDEACON,	
THE CONTROLLER OF CUSTOMS,	MR. JONES,
MR. CAMPBELL,	M. H. H. MACARTHUR.

4. *Road Bill*; further amended in Committee; to be again considered on Tuesday next. Council adjourned at four o'clock, until Tuesday next at one o'clock.

ORDERS OF THE DAY.

TUESDAY, JULY 16.

1. *Appropriation Bill*; second reading.
2. *Road Bill*; further consideration.

E. DEAS THOMSON, *Clerk of the Council.*

No. 26.

TUESDAY, 16 JULY, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table the *Forgery Bill* as amended.—Bill read a third time and passed.

2. His Excellency the Governor laid upon the Table, the Magistrates' Fees Bill as amended.— Bill read a third time and passed.
 3. Petition presented from Messrs. H. and W. Dumaresq, praying to be heard by Counsel in the further prosecution of their claims for loss of Tolls on Maitland Bridge.— Counsel ordered.
 4. His Excellency the Governor laid upon the Table—
 - (1.) An account of Expenses defrayed from the Military Chest, for stationery, stores, and miscellaneous articles supplied to the several Colonial Departments, from the 25th December, 1827, to the 24th December, 1828.
 - (2.) An account of expenses defrayed from the Military Chest, for provisions, forage, fuel, and light, for the said Departments for the same period.
 Sub-Committee appointed to examine and report upon the same—

THE CONTROLLER OF CUSTOMS,
MR. BLAXLAND. | MR. BELL.
 5. Appropriation Bill; read a second time; to be read a third time on Friday next.
 6. Road Bill; further amended in Committee; to be again considered to-morrow.
- Council adjourned at four o'clock until to-morrow at one o'clock.

ORDERS OF THE DAY.

WEDNESDAY, JULY 17.

1. Road Bill; further consideration.

FRIDAY, JULY 19.

1. Appropriation Bill; third reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 27.

WEDNESDAY, 17 JULY, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table, "A Bill to continue for a limited time, an Act of the Governor and Council of New South Wales, intituled, 'An Act for regulating the Constitution of Juries, and for the trial of Issues in certain cases in the Supreme Court of New South Wales, and to make further provision for the Trial by Jury in Criminal cases in the said Colony.'"

His Excellency also laid upon the Table, the following Minute:—

"In laying this Jury Bill before Council, I have to repeat what was observed in my Address on opening the present sittings, that the measure now introduced is, of necessity, incomplete. The circumstances to which I then referred, still prevent the presentation of the Bill in a more perfect form. I have thought it right to introduce for the present what my instructions warrant, and to extend the duration of the Jury Law now in force, which would otherwise expire on the 1st of March next. Upon the arrival in the Colony of an Order of the King in Council, for the establishment of Circuit Courts, I may hope to receive further instructions, and to be then enabled to introduce a more general and comprehensive Bill."

(Signed) "RICHARD BOURKE."

July 17, 1833.

- Bill read a first time; to be printed, and read a second time on Tuesday next.
2. Road Bill; further amended in Committee; to be again considered to-morrow.
 3. Claim of Messrs. Dumaresq to compensation for loss of Tolls on Maitland Bridge, further considered. Petitioners' Counsel called in.
Mr. John Blaxland, junior, called in and examined.
Counsel and witness having withdrawn, further consideration of Petitioners' claim deferred until to-morrow.
Council adjourned at five o'clock, until to-morrow at twelve o'clock.

ORDERS OF THE DAY.

THURSDAY, JULY 18.

1. Road Bill; further consideration.

FRIDAY, JULY 19.

1. Appropriation Bill; third reading.

TUESDAY, JULY 23.

1. Jury Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 28.

THURSDAY, 18 JULY, 1833.

1. Council met pursuant to adjournment. His Excellency the Governor in the Chair. Messrs. Dumaresq's claim to compensation for loss of Tolls on Maitland Bridge, further considered. Petitioner and Counsel called in. Mr. John Blaxland, junior, called in and examined. Further consideration of Petition deferred until to-morrow.
2. Road Bill; further consideration deferred until to-morrow. Council adjourned at half-past Five o'Clock, until to-morrow at Eleven o'Clock.

ORDERS OF THE DAY.

FRIDAY, JULY 19.

1. Road Bill; further consideration.
2. Appropriation Bill; third reading.

TUESDAY, JULY 23.

1. Jury Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 29.

FRIDAY, 19 JULY, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. Messrs. Dumaresq's claim to compensation for loss of Tolls on Maitland Bridge, further considered. Petitioner and Counsel called in. William Ogilvie, Esquire, called in and examined. Petitioner, Counsel, and Witness having withdrawn. Motion made and question proposed, That it be entered on the Proceedings of the Council, that Mr. Blaxland has tendered certain documents which the Council considered irregular as being unauthenticated, and therefore refused to have inserted on the Minutes. Amendment moved and question put, That these Papers be now read. Council divided. Ayes, 9,—Noes, 2. Original question put. *Passed without a division.* Motion made and question put, That His Excellency the Governor be pleased to direct that the letter of the Colonial Architect, of the 16th February, 1832, relative to the Maitland Bridge, be laid before the Council. *Passed without a division.* His Excellency the Governor laid upon the Table the letter in question. Motion made and question put, That the letter of the Colonial Architect be read, and entered on the Minutes of Evidence. *Passed without a division.* Motion made and question put, That the Government Proclamation, of the 15th August, 1820, relative to Howe's Bridge, be read, and entered on the Minutes of Evidence. *Passed without a division.* Motion made and question put, That His Excellency the Governor be requested to lay before the Council an account of all Rates of Tolls demandable at the several Public Bridges in the Colony, in the years 1827 and 1828, as soon as may be convenient. *Passed without a division.* Motion made and question put, That the Petitioners be required to furnish, for the purpose of being placed on the Minutes of Evidence, the several Rates of Toll demanded and taken at Maitland Bridge, from the time of its opening until Toll ceased to be levied. *Passed without a division.* Petitioners Council ordered to attend, on Tuesday next, at twelve o'clock. Ordered, That the Evidence be printed. Further consideration of Petition deferred until Tuesday next.
2. Appropriation Bill; read a third time, and passed.
3. Road Bill; further consideration deferred until Wednesday next. Council adjourned at three o'clock, until Tuesday next, at one o'clock.

ORDERS OF THE DAY.

TUESDAY, JULY 23.

1. Messrs. Dumaresq's Petition; further consideration.
2. Jury Bill; second reading.

WEDNESDAY, JULY 24.

1. Road Bill; further consideration.

NOTICE

NOTICE OF MOTION.

TUESDAY, JULY 23.

1. The Chief Justice.—That His Excellency the Governor be most respectfully requested to cause a Bill to be laid before this Honorable Council, for limiting and fixing the Rate of Interest to be recovered in any Action or Suit at Law or in Equity, in this Colony; at such Rate (not being higher than eight per cent.) as shall be considered just and equitable under the present circumstances of the said Colony.

E. DEAS THOMSON, *Clerk of the Council.*

No. 30.

TUESDAY, 23 JULY, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor took the Chair, and laid upon the Table a Minute, together with certain Documents, relative to the Claims of Messrs. Dumaresq to compensation for loss of Tolls on Maitland Bridge. To be appended to the Minutes of Evidence, and printed. Mr. John Blaxland, Junior, called in, and produced certain Bills and Receipts for Tolls on Maitland Bridge. To lie on the Table. Counsel called in, and heard. Further consideration of Petition deferred until to-morrow.
2. Jury Bill; second reading deferred until to-morrow.
3. Chief Justice's Motion; deferred until to-morrow. Council adjourned at four o'clock, until to-morrow, at twelve o'clock.

ORDERS OF THE DAY.

WEDNESDAY, JULY 24.

1. Messrs. Dumaresq's Petition; further consideration.
2. Jury Bill; second reading.
3. Road Bill; further consideration.

NOTICE OF MOTION.

WEDNESDAY, JULY 24.

1. The Chief Justice.—That His Excellency the Governor be most respectfully requested to cause a Bill to be laid before this Honorable Council, for limiting and fixing the Rate of Interest to be recovered in any Action or Suit, at Law or in Equity, in this Colony; at such rate (not being higher than eight per cent.) as shall be considered just and equitable under the present circumstances of the said Colony.

E. DEAS THOMSON, *Clerk of the Council.*

No. 31.

WEDNESDAY, 24TH JULY, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor took the chair, and laid upon the table a further Correspondence relative to the Claims of Messrs. Dumaresq to compensation for loss of Tolls on Maitland Bridge.—Also, a Return, to the Resolution of Council of the 19th instant, of the several Rates of Toll demanded and taken at Maitland Bridge, from the time of its opening until Toll ceased to be levied. To be respectively appended to the Minutes of Evidence, and printed.
2. Jury Bill; read a second time. Motion made and question put, That His Excellency the Governor be requested to direct the following Papers to be laid before the Council. The original Jury Lists returned by the several Benches of Magistrates for the County of Cumberland, for the present year. The Sheriff's Jury Books, Special and Common, for the present Year. Return of the number of Issues tried on the civil side of the Supreme Court during the Years 1830, 1831, 1832, and 1833; distinguishing those tried by Assessors, and by Special and Common Juries. Return of the number of Criminal Issues tried by Jury in the Supreme Court, and in the Courts of Quarter Sessions, during the Years 1832 and 1833; and any Case tried under the fortieth Section of the Act of Council, 3 William IV., No. 3. Further consideration of Jury Bill deferred until Friday next.
3. Road Bill; further amended in Committee; to be again considered to-morrow.

4. Motion made and question put, That His Excellency the Governor be most respectfully requested to cause a Bill to be laid before this Honorable Council, for limiting and fixing the Rate of Interest to be recovered in any Action or Suit, at Law, or in Equity, in this Colony; at such Rate (not being higher than eight per cent.) as shall be considered just and equitable under the present circumstances of the said Colony. *Passed without a division.*
5. Motion made and question put, That His Honor the Chief Justice and Richard Jones Esquire, be authorised to wait upon His Excellency the Governor to communicate the above Resolution. *Passed without a division.*
Council adjourned at four o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

THURSDAY, JULY 25.

1. Road Bill; further consideration.

FRIDAY, JULY 26.

1. Jury Bill; further consideration.

E. DEAS THOMSON, Clerk of the Council.

MINUTES of Evidence taken before the Legislative Council, relative to the Claim of Messrs. H. and W. Dumaresq, to compensation for loss of Tolls on Maitland Bridge.

Examination of Lieut.-Colonel Dumaresq, before the Legislative Council, July 3rd, 1833.

1. When did your brother and yourself become proprietors of the Bridge at Maitland over Wallis's Creek, by your purchasing the interest the original proprietors, Messrs. L'Leod and M'Intyre, had therein? In October, 1829.
2. What did you and your brother actually pay Messrs. M'Leod and M'Intyre for the purchase of such interest? Captain Dumaresq's share amounted to £467 5s. 8d., and mine to £221 2s. 7d., making a total of £688 8s. 3d. This includes a sum of £25 for interest, which was paid to Messrs. M'Leod and M'Intyre, by Captain Dumaresq.
3. Your purchase was, of course, regulated by the terms, and upon the faith of the Colonial Secretary's letter to Mr. M'Leod, of the 14th February, 1827, which guaranteed the tolls to be collected for seven years? Entirely.—The purchase was further influenced by the terms of a letter which was addressed by Mr. M'Leod to the Colonial Secretary in October, 1829, in which he stated, on calling on the Government to pass an Act of Council legalising the collection of tolls, and in allusion to his then receipt of them, that "at present it is a mere private arrangement which exists between myself and the public, and every day the Act is delayed is so much lost to the Government, who are only to come into possession of the bridge at the expiration of seven years from the passing of the said Act." Such was Mr. M'Leod's understanding of the matter, and he was permitted to treat with parties wishing to become purchasers of his interest, with this additional claim.
4. When you made the purchase, how much of the seven years promised lease had expired? On the first of September, 1827, Mr. M'Leod notified that the bridge would be completed and ready to be opened for passengers on the 15th of that month, and he then requested that a table of the rates of tolls to be collected should be furnished to him. I therefore infer, that about that date the collection of tolls began. It consequently follows, that about two years of the lease had expired when the purchase was effected by my brother.
5. How long did you collect tolls on the bridge after you became sole proprietors of the same? Whilst Mr. M'Leod was in Sydney, threatened with arrest, a proposition was made to Captain Dumaresq, on the part of a friend of Mr. M'Leod's, to sell him his interest in the bridge at Maitland, for the purpose of relieving him from the immediate pressure of his embarrassments. Captain Dumaresq immediately closed with the offer, and paid Mr. M'Leod as before stated. On Mr. M'Leod's return to Maitland he resisted payment of the tolls, stating that they were illegally demanded—many other parties did so likewise, and the tenant immediately signified that he could not comply with the terms of his engagement; tolls were, however, collected from such parties as chose to pay them, up to the close of 1831, at which time the Government had evinced its determination not to abide by the terms of Mr. M'Leod's contract; and actions of law having been brought against the lessee of the toll-bar, to establish the right of public way across the bridge, it was thrown open to the public.
6. Can you state the amount of tolls received from the time Captain Dumaresq became purchaser of two-thirds of the property in the bridge, until the same were declared illegal, and consequently ceased to be collected? Not with any degree of accuracy.—It was impossible to keep a tenant bound by his engagement when it became obvious that the amount of tolls collected at the bridge was dependent on the option of persons passing it. He consequently only paid us what he could afford.
7. Did you let the bridge to a tenant at any certain sum per annum previously to any doubt arising as to the legality of the tolls? It was let for the year 1830 for the sum of £190.

S.

8. Did you consider when the purchase was made that there was a yearly increasing value in the tolls? Most undoubtedly; the erection of the bridge and the establishment of an inn by Mr. M'Leod gave an impulse to building and improvement in the neighbourhood which was extending every day; we consequently felt quite assured that the tolls would be increased every succeeding year.
9. Were you at any expense in keeping the bridge in repair from the time you became sole proprietors until the toll ceased to be collected? Yes; we were bound by the terms of Mr. M'Leod's contract to keep the bridge in good order. Slight repairs had occasionally become necessary, and our contract was scrupulously fulfilled.
10. Would you not think that you were equitably treated if you were to receive the net value of the tolls for the unexpired period of the seven years lease promised to the original proprietors, upon a fair valuation of them? No; unless to that sum were added expenses to which we have been liable in consequence of the breach of its engagement on the part of Government.
11. If a flood had at any time carried the bridge away, did you consider the contractor bound to repair it? Undoubtedly.—A question on the subject would never have occurred to us.
12. Did you at any time reduce the rate of tolls as originally collected by Mr. M'Leod? Yes; Mr. M'Leod I believe collected tolls at the same rate as were formerly collected at the bridge over the South Creek at Windsor, which it will be observed, on reference to the official correspondence with Mr. M'Leod, was made the precedent which regulated the terms of the undertaking. On becoming sole proprietors of the bridge, Captain Dumaresq caused to be printed on a board such as is usually exhibited at toll gates, the rates of tolls which had been established by Governor Macquarie, at Windsor Bridge; but, understanding that such rate of tolls was too high, he immediately caused an abatement to be made, and the tolls were then regulated by the existing rate of those levied at the Windsor Bridge.
13. What part did you take as an original proprietor in the building of the bridge? None whatever; on the erection of the bridge being sanctioned, Messrs. M'Leod and M'Intyre waited on me to ascertain whether I was disposed to become a party to the undertaking, to the amount of one-third. After some consideration, I answered in the affirmative, under an express understanding that I should not be called upon to take any part whatever in the details of its progress. A few weeks after this, I left the Colony for England, and did not return for nearly two years after the bridge was completed.
14. When, and in what manner was your third of the interest in the bridge paid for? As the expenses were incurred, I presume the amount was paid by my agent, to Mr. M'Leod.
15. Was the bridge built entirely at private expense? Entirely.
16. Were any Government gangs, overseers, or superintendents lent by the Government for the construction of the bridge? A man of the name of Wainwright who had assisted in the erection of a bridge at the Cowpastures, and was considered very skilful, was applied for by Mr. M'Leod. On the representation of the Director of Public Works, that the services of this man could be dispensed with, and seeing that he was in fact about to superintend a work which would eventually become the property of Government, Wainwright was lent to Mr. M. Leod; and, I perceive in Mr. M'Leod's account of the bridge expenditure, from 23rd June, 1827, to September the 10th, of that year, a period of three months, his salary is charged at £15, being at the rate of £60 per annum. No gangs whatever were employed to my knowledge.
17. How many labouring mechanics—for what period of time—and how many were victualled and clothed at the Government expense? Not a man with the sanction of Government, with the exception of Wainwright.
18. What tools and implements were lent by the Government, and of what materials was the bridge built? None.—The bridge is built of wood, and fastened with Iron.
19. Did Mr. Patrick Campbell superintend the building of the bridge during its progress? Certainly not with the sanction of Government.
20. Was Wainwright victualled and clothed by the Government during the time he was employed upon the bridge? I presume not, as he was paid, as already stated, at the rate of £60 per annum, as a salary.
21. Colonel Dumaresq has stated that Mr. M'Leod was permitted by the Government to treat with purchasers under the undertaking stated by him.—In what manner was permission given? The terms of his official letter stating that "every day the Act is delayed, is so much time lost to the Government, who have only to come into the possession at the expiration of seven years from the passing of the said Act," were tacitly assented to, and remained uncontradicted.
22. When was the rate of tolls altered from the higher to the existing rate—can you speak with precision as to the date? Not with great accuracy; it was about the end of 1829, soon after my brother became a proprietor of the bridge. At that time, it having been understood that even the modified rate of tolls was higher than the value of property at that time warranted, a proposition was made to the Government to lower them to such a scale as might be considered more equitable—proposing, that in order to indemnify the lessees of the bridge for such a diminution of what they considered themselves justly entitled to, in virtue of this contract, an extension of the lease should be granted to them; we always considered ourselves, however, entitled to the rate of tolls levied at the Windsor Bridge?
23. What was the answer of the Government to the proposition so made? I do not recollect.

Examination of Peter M'Intyre, Esq., before the Legislative Council, July the 3rd, 1833.

1. Pray be good enough to state the origin of the undertaking to build the Maitland Bridge? The difficulty of the settlers passing the creek was the first cause of Mr. M'Leod and myself applying

applying to the Government to build a bridge, and the then Government informed us in reply that they had not the means of doing so, but that if we built the bridge we should be remunerated by the receipt of tolls upon the same.—Mr. M'Leod and I then waited on Colonel Dumaresq, and requested him to take a third share in the bridge, to which he consented on condition that he was to take no part in the erection of the bridge. Mr. M'Leod undertook that department.

2. Are you aware if men in the service of Government were employed by Mr. M'Leod in its construction? I am not aware of any man in the service of Government having been employed upon that bridge except one man that was agreed to be lent to us as overseer at the time we contracted to build the bridge; and we paid that man, as far as I can recollect, £30 a year.

3. Were you in the habit of frequently passing Wallis' Creek during the progress of the undertaking? Often.

4. Had men of the road-parties been employed in erecting the bridge, would you not most likely have been acquainted with the fact? It could scarcely have escaped my notice. I must have seen it from an inspection of Mr. M'Leod's ration accounts, which he exhibited monthly, on calling upon me for money. Mr. M'Leod was allowed by the parties to employ his own blacksmith upon the bridge, and some other useful men whom he could not otherwise have got in the district.

5. It has been stated that the proprietors made repeated applications to Government to get an Act of the Legislature passed to legalise the tolls at Maitland bridge.—Can you state how often such applications were made, and what prevented their being complied with; and the date or time of last application; and the answers? I can only state that when we commenced the undertaking we were promised that the tolls should be legalised. Since the period I sold my interest in the bridge to Captain Dumaresq, I am not aware what applications of this nature have been made. This was in 1829.

6. As you were a party to the original engagement with the Government, what meaning did you affix to the words "customary tolls," in the Colonial Secretary's letter? I was a party to the original agreement, and I understood that we were to levy tolls at the same rate as were taken at the Windsor Bridge, until the matter should be regulated by Act of Council; I never received any toll up to the end of 1829.

7. By the bridge at Windsor, do you mean that over the South Creek, called "Howe's Bridge?" I mean the bridge close to the town; I am not aware of any other bridge. There were few carts or drays in the district of Hunter's River when we constructed the bridge. The tolls did not amount to £10, the first year. They did not pay for the tollman.

8. Was there any other line of road, besides the one over the bridge, by which people could travel to and from the navigable part of the River Hunter, and whether it was over a good line of country? I am not aware of any other line of road than the one over the bridge, except round the swamps. There was a footpath where people used to pass the creek, near O'Donnell's, an old Marine.

9. Was the bridge made before the road, or after? The bridge was made before the road was finished.

10. Was the road so made after the bridge, the only public road from the Hunter to the upper districts—was it the only public road? I believe it was the only public road to the upper districts.

11. Was not the bridge essential to the formation of the Town of Maitland, and was not the prosperity of that part of Hunter's River dependent upon it? Previously to the erection of that bridge, we were obliged to convey all our goods from Sydney in lighters, to what is called Wallis's Plains, higher up the Hunter than the junction of Wallis's Creek, as no dray could pass the creek, making a circuitous route of twenty-five miles from Green Hills. The rapid increase of Maitland, and the number of drays which have been put on the road by the settlers, the whole way up the river, clearly shows the utility of the bridge, and that the rapid increase of the town was dependent on it. There were no houses at that time at Maitland (then called Wallis' Plains,) and we were obliged to come under an engagement to build a good inn for the accommodation of travellers; which we completed.

Examination of John Blasland, Junior, Esq., before the Legislative Council, July 17, 1833.

1. Did you receive this paper from Mr. Patrick Campbell, formerly Superintendent of Roads? (Counsel for petitioners objected to the receiving of this Document. Strangers were then ordered to withdraw, and the question put whether the document in question be received as evidence.—Question, negatived.)

2. What knowledge have you of the building of Maitland Bridge? I pass a great portion of my time at my father's establishment, at Hunter's River. My business frequently calls me to Maitland. During the time the bridge was erecting, I had occasion to pass the stream over which it is constructed, and observed that many of the Government gangs were employed in cutting away the banks of the stream to form the abutments; and the bridge was put up exactly at the ford where we heretofore had passed; and consequently we were prevented from doing so after its erection. There was another ford lower down the creek, over which we used to pass, which was completely destroyed by Mr. M'Leod removing the sand bank, and cutting down the banks perpendicularly. He said it was to facilitate the passage of barges up the stream; but whether it was for that purpose, or to compel persons to cross the bridge, I am not aware. At all events, I had no other means of getting down to the store-ship for my supplies, but by crossing the bridge after it was completed. Two men who were returned to Government by my overseer, were employed at the bridge.

3. Do you know any thing of any tools belonging to Government having been used in the construction

construction of the bridge? The pile driving instrument was lent to the proprietors of the bridge by the Government, and returned to Mr. Campbell, then Superintendent of Roads in that part of the country, and by him to the Lumber-yard, at Newcastle. Mr. Campbell informed me of this. He stated that it was sent from Sydney to the proprietors.

4. Did you ask Mr. Campbell any questions as to Government men being employed upon the bridge? Yes; at the time I resisted paying tolls, I was threatened by Colonel Dumaresq with an action, for having opened the gate. I thought it necessary to get up a defence, and applied to Mr. Campbell as to the authority the proprietors had to collect tolls, and whether any of the Government gangs had been employed on the bridge, as I considered it public property. He told me there were many, but he could not recollect the number, as some time had elapsed since the building of it. He thought, however, by referring to his books, he could ascertain the number.

5. Did he ever find his books? Yes, they have been found. They were, at the time I was at Hunter's River, said to be in the office of the Road Department.

6. Did you ever have any conversation with a man named Percival, who was clerk to Mr. Campbell, Superintendent of Roads, as to convict labor being used on the bridge? Yes; I referred to him as I imagined he had a perfect knowledge of the circumstance. He told me that many of the men belonging to No. 28 Iron Gang had been employed at the bridge, and gave me a certificate to that effect. They were employed in cutting away the banks to form the abutments, and in improving the road immediately at each end of the bridge, and also in covering the slabs of the bridge with earth.

7. Had you any conversation with a man named Eckford, a constable, whether men sentenced to iron gangs were employed upon the bridge? I had; Eckford was, I believe, a constable at one time, and resided very near to where the bridge was put up; consequently I imagined he had a perfect knowledge of the persons who built it. Eckford informed me that Wainwright, a man in the employ of Government was lent to the proprietors to superintend the building of this bridge. He was an overseer of bridge parties. Eckford also told me that he had seen many other of the iron gangs employed at the bridge, and that two assigned servants of his father's who were sentenced by the Magistrates to work in irons, were put to work at the bridge by order of Mr. M'Leod.

8. Did you ever have any conversation with a man named Stronach, as to his paying toll two or three times a day; and Government men being likewise employed at the bridge? Yes; I had.—He told me that he is in the Sheriff's Department, and that he had frequently seen many of the gangs employed at the bridge. He resided at Maitland, and Wainwright, the overseer, resided with him the greater part of the time the bridge was in progress; and that he, Stronach, had frequently paid toll twice or thrice the same day, whilst on duty. On one occasion, he appealed to Colonel or Captain Dumaresq, as to the injustice of the demand, and received a reply that he must make application to the parties to whom he carried writs, to reimburse him.

9. What information did Joseph Swales, a blacksmith attached to the mounted police, give you as to his working at the bridge? He informed me that during the time he was attached to the police at Maitland, as farrier and blacksmith, he was ordered by Mr. M'Leod to go for a short time to labor at the bridge, and that he saw many (twenty or thirty) Government men employed upon it; and gave me a certificate to that effect. Swales was a prisoner of the Crown, and did work at the bridge in consequence of Mr. M'Leod's order.

10. What information did John Smith give you respecting iron gangs being employed in constructing the bridge, and how often did he pay toll for passing the bridge during the day? I questioned Smith, knowing he was a resident at Maitland, whether he had ever seen any of the gangs employed working at the bridge? He told me he had many times seen many of them, and that he, being a carrier, had paid as many as four and five times for the same team in the same day. That he had paid as much as 2s. 8d. I think, for a dray and five bullocks, each time of crossing the bridge.

11. Did you ever have any conversation with a man named Yeoman, as to the hardship he had sustained in paying such excessive tolls, and as to the amount he had paid? Yes, I had.—Yeoman complained bitterly of the great tax and imposition frequently, and stated that he had paid to the amount of £40 and upwards, and that he had documents to prove so.

12. Have you had any conversation with a settler named Hewitt upon the same subject? Yes, and he complained of the excessive rate of tolls, and told me that he had paid to the amount of upwards of £50, and could also produce bills and receipts for the same.

13. Have you spoken to a settler named Cliff upon the same subject? Yes; he resides immediately at one end of the bridge, and had to draw all the materials for building his house, which is of stone, over the bridge. He paid upwards of £25; and in the time of the flood he was not allowed to remove his goods out of the reach of the water without paying tolls, and he was unable to do so without crossing the bridge, having no boat. He had frequently had the sick come to him on their way to the hospital to borrow money to pay the tolls, as they were forbid to pass the gate without paying. He also complained that at the time the tolls were first levied he was obliged to pay toll for his children going to school, or to see their relatives who live on the opposite side to his house.

14. To what amount did a man of the name of Aaron say he had paid? He told me that he had paid £300, and he afterwards gave me a certificate that he had paid upwards of £200—for which he could produce bills and receipts.

15. Does that paper contain a true account of the rate of tolls charged at Maitland Bridge? I believe it does; at the time I used to pay tolls I more than once asked for the scale by which the rates were regulated, and was shown an almanack of 1814, wherein Howe's Bridge, Windsor, was erased, and M'Leod's Bridge, Maitland, inserted, which corresponds exactly with this paper now in my hand. Afterwards there was some reduction in the rate of tolls,

but to what extent I am not aware. The rate for saddle horses was reduced from sixpence to fourpence, but the rate for foot passengers remained the same.

16. I perceive two rates of tolls on this paper; to what time do these respective rates refer? To the year 1827, when the tolls were first demanded at Maitland.

17. What do you mean by the King's Bridge at Windsor? I mean that which was formerly called Howe's Bridge, over the South Creek at Windsor.

18. Can you say from your own knowledge that the rates herein set down were the rates taken at Howe's Bridge at that time. I never paid more than the rate of toll therein stated for my horse, or horse and chaise; and I never heard any person say there was any increase in the demand since the regulation of the tolls in 1821.

19. Do you believe the rates mentioned under the head of "Tolls at Dumaresq's Bridge, Maitland," to be the rates at which tolls were demanded at the same time for passing that bridge? Yes; I am sure that as regards foot-passengers, saddle horses, and drays and teams, it is correct, as I paid them for some time.

SCALE of TOLLS referred to in Mr. J. Blaxland, Junior's Evidence, before the Legislative Council, July 17th, 1833.

*** TOLLS AT THE KING'S BRIDGE, WINDSOR.**

	£	s.	d.
Each saddle horse	0	0	2
Cart with one horse or bullock	0	0	3
" two horses or oxen	0	0	4
" three	0	0	5
" four	0	0	6
Gig, or one-horse chaise	0	0	6
Curriclo	0	0	8
Waggon, two horses or oxen	0	0	8
" three	0	0	9
" four	0	0	10
Each head of horned cattle	0	0	1
Each score of sheep or swine	0	0	1

* Demandable only once each Day.

*** TOLLS AT DUMARESQ'S BRIDGE, MAITLAND.**

	£	s.	d.
† For each foot passenger, without exception	0	0	2
Each horseman, without exception, as above	0	0	6
Each ditto, or bullock in draught ...	0	1	0
Cart with two horses or oxen	0	1	2
Each horse or bullock above that number	0	0	2
Waggons or four-wheeled carriages with two horses or bullocks	0	1	6
Each head of cattle under a score ...	0	0	6
For every score	0	5	0
" per hundred	1	0	0
Every sheep, goat, or pig	0	0	1
Ditto by the score	0	1	0
Horse and chaise	0	1	6

* Demandable every third time of passing the bridge, without exception.

† This demand was without exception, extending to convict servants, children going to school, people going to church, the sick going to hospitals, policemen on duty. Also, all persons driving or riding in carts, whatever the number, age, condition, &c., &c., &c.

Examination of John Blaxland, Junior, Esq., before the Legislative Council, July 18, 1833.

1. Were any bridges built between Newcastle and Maitland of less importance than Maitland Bridge? In my opinion there were two or three; one over Throsby's Creek and one over Iron-bark Creek. That over Iron-bark Creek was of greater extent, and I think the bridges on that road were of less importance to the public generally, as few persons had to take the produce of their farms to Newcastle at that time; and most persons got their supplies from the store-ship at the head of the navigation. These bridges were built by the Government gangs; there was also another bridge about two miles beyond Maitland, over a narrow valley or creek, over which we passed without much difficulty, previously to the bridge being built, with drays heavily laden. This bridge is between two hundred and three hundred feet long, and about thirty feet wide. This was also built by Government gangs.

2. Were you ever threatened with an action for resisting the tolls on Maitland Bridge? Yes, I was.—My teams were on the way to the store-ship for supplies, and the people at the gate shut it against them, and forbade them to pass unless they paid toll. One of my own servants came to me at the inn where I was staying, and complained that the chief constable and others had ill-used the horses and oxen. I immediately hastened to the bridge, and requested that the gate-keeper would allow me to pass with my teams. He told me I should not unless I paid the toll; I then demanded of him to see any document he had, by which he was legally authorised to demand toll. He told me to look at the board upon which the rate of tolls was painted; I told him that was not sufficient authority, and desired him to open the gate; he refused to do so; I then ordered my people forcibly to open it, which they did. The gate-keeper used every effort in his power to prevent their doing so, by throwing dirt at the bullocks, and striking them. We effected our purpose of opening the gate; I then rode on to Captain Anley, the Police Magistrate, and requested his interference to prevent molestation to myself and my people on the highway; he told me he could not interfere, and shewed me a paragraph of a letter which he said was from the Colonial Secretary, which stated that it was a legal toll, and that he was to support the people as far as was consistent with his duty, or words to that effect; he also shewed me another paragraph in the same letter, in which it was stated, that the Attorney General had orders to commence an action against me for having resisted in a similar way previously.

3. You have mentioned two bridges between Newcastle and Maitland, and one beyond Maitland.

- Maitland: Do they form one continued line of road? They do, between the sea port of Newcastle and the interior.
4. You have mentioned that there was a board put up at the bridge at Maitland. Can you say what rate of tolls was marked up on such board? As far as I can recollect, it was the same rate of tolls as was taken at Howe's Bridge in 1814; at which time copper coin passed current at one hundred per cent. higher rate than at present; the penny piece went for twopence.
 5. Was it the custom to land at Newcastle before the steam packet was established? In some cases it was, but generally not; there was a small craft in the employ of the owners of the St. Michael, store ship, which used to take the stores usually brought by the Liverpool and other craft employed in the coasting trade. I cannot say as to passengers, as I never went by water at that time; but I believe a few persons went by water.
 6. Would all who landed at Newcastle be under the necessity of crossing the bridge at Throsby's and Iron-bark Creek in their way to Maitland? That was the general line of road.
 7. But still there were very few persons who had occasion to go that way? I believe but few.
 8. Do you think that any individual would have undertaken to build those bridges and keep them in repair upon the same conditions as that at Maitland, namely, of receiving the tolls for a certain time? I think no one would.
 9. Then unless Government had built them they would not have been built at all? I think that likely.
 10. Are you aware of the rates of tolls charged at Howe's Bridge in 1814? Yes; those that come within my recollection are, a foot-passenger, 2d.; a saddle-horse, 6d.; but the almanack of 1814 will give the rates in detail.
 11. Were they higher or lower than those fixed by Governor Macquarie on the same bridge in 1820? They were much higher; I believe the alteration took place in 1821.
 12. In what particulars were they higher? In every respect; foot-passengers, and saddle-horses, and carts, and carriages of all descriptions, paid higher. In 1814, foot-passengers paid 2d.; a saddle-horse, 6d.; a single bullock or horse in a cart, 1s.; two horses or bullocks in a cart, 1s. 2d.; and for each bullock or horse above that number, 2d. Whereas, in 1821, no toll was exacted from foot-passengers, a single horse was only 2d., a cart with one horse or bullock 3d., for two horses or bullocks 4d., and for every other horse or bullock 1d.
 13. When toll was demanded of you in 1827, and the rates of Howe's Bridge were pointed out to you as printed in an Almanack, were they the tolls of 1814, or of 1820? Of 1814 to the best of my knowledge and belief; at all events they were at the same rate of tolls as were exacted in 1814, and I can produce bills which will shew on the face of them that such was the rate of tolls charged; and even more; for riders in carts and gigs were made to pay, which was not the case at Howe's Bridge, at that time.
 14. Are you aware that the Government of 1827 authorised the tolls of 1814 to be collected at that period? I should imagine not; I do not see that in justice they could.
 15. Then was the demand of those tolls a violation of the agreement under which the bridge is said to have been built? Undoubtedly it is so; I should imagine the Government would not take a retrospective view as to tolls, and permit them to be exacted after a lapse of thirteen years.
 16. How long were the tolls of 1814 continued to be collected at Maitland Bridge? I cannot say precisely; one or two years, I believe.
 17. When the tolls on Maitland Bridge were reduced, were they exactly assimilated to those collected at the Windsor Bridge, called Howe's Bridge? They were not; the tolls for the foot-passenger remained at 2d.; the saddle-horse, at 4d.; there was a trifling reduction on all other things that passed, but in what proportion I do not know. I speak as to the time I paid tolls; I discontinued to do so in 1831.
 18. Was the collection of the toll on Maitland Bridge generally complained of? It was by every one, as being illegal, and in every way oppressive.
 19. On what grounds? That the public property was given into the hands of private individuals, without their having any advantage except that of crossing a narrow stream, by the bridge in question, the roads being generally almost impassable.
 20. Do you think that a toll could have been continued on that bridge, without great detriment and inconvenience to the inhabitants of Maitland? I do not think that it could; as the principal portion of the inhabitants of Hunter's River reside beyond it, and must of necessity have crossed it to get their supplies.
 21. Was it the ordinary way of the inhabitants getting to the School, Church, and Court-house? It was the only one since the ford was destroyed, without trespassing on private property, or going by water.
 22. Does it come within your own knowledge whether persons going to School, to Church, or to the Court-house, paid toll as foot-passengers? I do not know myself; but have heard prisoners and ticket-of-leave men complain that they had to pay toll to go to the muster which was held at the Court-house.
 23. Is Maitland Bridge over the King's highway from Newcastle and Green Hills into the interior? It is on that line of road marked out by Assistant Surveyor Dangar as a high road.
 24. Did Patrick Campbell tell you whether the prisoners who were employed about the bridge, received any kind of remuneration for their labour, and if so, from whom, and at whose instance they were put to that labour? No, he did not tell me anything of that; he told me they were ordered by Mr. McLeod, the principal Magistrate, or district Magistrate as he was called; he had the direction of the gangs. Mr. Campbell told me that they were fed and clothed at the Government expense, and gave me a certificate to that effect.
 25. Was toll taken at any other than Maitland Bridge twice in the same day? I never heard that it was, since the first establishment of tolls in the Colony.

26. Have you any account shewing the amount you have paid for tolls at Maitland Bridge; or can you state the gross amount of your payments, and for what period? No, I have not. I lost mine unfortunately in a small craft of my father's, with other papers relative to the building of the bridge, about the time I was threatened with the action, but I believe I paid upwards of £16 from the opening of the bridge up to 1831, when I discontinued paying any.
27. How was the ford destroyed; and were the public obliged to wade through the water before the bridge was built? The ford at the mouth of Wallis's Creek was cut away, I believe, by the order of Mr. M'Leod, to render it more passable for barges to take timber, shells, and other materials to the bridge. The shells were for making lime to build the Inu; I imagine so at least. Passengers were compelled to wade at times. There was a second ford, at which a boat was placod, by which many persons passed. The bridge stands immediately over the stump to which the boat used to be tied.
28. Was the ford passed by drays or carriages at any time, or could foot passengers cross dry-footed, without a boat, previous to the bridge being built? Neither drays nor carriages could pass; nor could foot passengers pass without getting wet. There was a tree felled from Smith's land, over which many used to cross. That was cut away, as it was said to impede the navigation. I have heard this was done by order of Mr. M'Leod.
29. Was the road which now passes through Maitland considered a high way, or mere bridle path, previously to the bridge being built? The highway was marked by Surveyor Dangar some time previously to the bridge being built, and used as such.
30. How long before the bridge was begun was the road marked as a public road; and was it marked for the purpose of a highway to the bridge? I cannot say how long it was marked previously to the building of the bridge, but I believe the bridge was built on the highway. The bridge was built some time after the marking of the road.
31. Was the bridge necessary to render this line of road passable to drays and carriages, and to establish the highway? A bridge was necessary in that precise position, being the line-marked as a highway.
32. You have spoken of one ford having been destroyed; was it possible to reach that ford from the high road without passing over the property of private individuals? No, it was not; it was enclosed by substantial fences; but previously to the marking of the road it had been used as a thoroughfare for persons on horseback, since the first establishment of Wallis's Plains.
33. Did the land over which you must so pass, become private property before the ford was destroyed, or after? It was granted to individuals long previous to the destruction of the ford, but the proprietors had always allowed a bridle path until the highway was laid out, after which it was enclosed by the proprietors Smith and O'Donnell.
34. Was the road on either side of the bridge made before the bridge was built, or after? I cannot speak positively as to that; but I believe some portion of it was made, though not very near to the bridge.
35. How many houses were there in Maitland when the bridge was first built? I cannot say; I never counted them.
36. How many do you suppose? There might have been about a dozen.
37. How many inhabitants do you suppose Maitland contained at that period? In Maitland and the neighbourhood there might have been about 150; Maitland itself was not then in existence; the place was called Wallis's Plains.
38. How many inhabitants do you suppose were at that time in the whole district of the Hunter? Between 2,000 and 3,000, I should imagine; farms had been taken a long way up the River at that time.
39. Do you say that Mr. Campbell stated that Mr. M'Leod, as a Magistrate, ordered the Government gangs to labour at Maitland bridge? I have said so.
40. Do you not know that Magistrates had no authority to interfere with the labour of Government gangs, for private purposes, previously to the building of the bridge, and since then? I always thought that they had not, but those were funny times; many persons assumed authority they had no right to.
41. You refer to certificates from several men, stating that Government men were employed to work at Maitland Bridge; when did you get those certificates? Some I got at the time I was threatened with an action; others lately.
42. Is there not a great traffic now on the roads from the interior to Maitland and Green Hills? There is a considerable traffic.
43. With such traffic what do you think would be the annual amount of tolls, if levied at the Maitland Bridge at the rate established for Howe's Bridge in 1821? I cannot say; it would be something considerable; almost equal to the amount levied at Howe's Bridge.
44. Have you any interest in this pending investigation? None whatever.
45. How much do you suppose has been saved to yourself and family by the cessation of tolls on Maitland Bridge? I cannot say; but something considerable.
46. Then you have an interest to a considerable amount? Not in the present investigation as regards the compensation.
47. Are you aware that the petitioners, on becoming proprietors of the bridge, desired that the tolls should be regulated according to the tolls received at Howe's Bridge? I am not aware of any thing of the kind—I never thought so, as the tolls were always much higher than at Howe's Bridge, at that period.
48. Was the payment of this toll a voluntary payment on your part? No, it was not; it was demanded of me, and I was prevented passing unless it were paid.
49. If it were not a voluntary payment, why did you not yoke your bullocks to the gate in the first instance as well as in the last? The first part of the time I paid toll I was treated with civility, and met with no detention, independently of which, I was not quite certain that the tolls did not go towards keeping the roads, as well as the bridge in repair.

50. When did you form the design of resisting the payment, and did you act on your own suggestion, or on that of others? At the time that my drays were detained, and my wool damaged; and I acted wholly on my own opinion of right and wrong.
51. Have you ever stated that you were induced so to act on the opinion and authority of others? I may have said so; the gentleman to whom I appealed as my legal adviser in the event of the action being brought; I also heard Mr. Therry himself say it was an illegal exaction.
52. Did you hear Mr. Therry qualify that saying by stating that it required an Act of Council strictly to legalise it, and that such an Act should be passed? I did hear Mr. Therry say that to render it legal, it required an Act of Council to be passed.
53. Which of these two answers is the correct one; that you acted upon your own opinion, or as you stated elsewhere, upon that of others? In the first instance solely on my own, as it was not until after I had removed the obstruction in my way, which was the gate, that I enquired as to the right I had of doing so. I felt conscious that I had that right.
54. Have you stated that but for some incivility you would have continued still freely to have paid the toll? I might have paid the toll some time longer, had I met with civility.
55. Have you stated so? I have stated that I would have paid the toll, had I not met with detention and loss.
56. Were either of the petitioners at Maitland during the building of the bridge, or did they in any way interfere with its construction? I never saw either of them there at the time it was being built; but heard from the first commencement that Colonel Dumaresq was the principal proprietor of the bridge, and should imagine that Captain Dumaresq, at that time I believe in the Department of Public Roads, could not have been unacquainted with the circumstances relative to the building of it.
57. Then the latter part of your answer is from conjecture, not knowledge? Purely so.
58. Did your various informants tell you that the road-gangs were employed at the bridge by Mr. M'Leod's direction? Some of them did so.
59. Did any of them tell you they were so employed by Patrick Campbell himself? He told me that directions were given by Mr. M'Leod; Mr. Campbell being the Superintendent, I should suppose the orders would pass through him.
60. Did you understand from Mr. Campbell that the gangs were employed in preparing and completing the approaches to the bridge? That some of them were so; others actually employed on the bridge, in its construction.
61. From your knowledge of road-gangs, do they generally consist of persons capable of constructing bridges? There are generally some useful men, such as carpenters, as well as other trades; and under the direction of Wainwright, the overseer of bridge-parties, many men might be made useful.
62. Do you suppose there were as many as twenty or thirty carpenters in the road-gangs adjacent to the bridge? No, I do not; but still even more than twenty or thirty men might be made useful in constructing bridges, even if not carpenters.
63. Do you know of any more suitable employment, or any more serviceable to the public, than employing these road-gangs in preparing the approaches to that bridge? Yes, I think that if those gangs had been employed in building the bridge as public property, their services would have been much more advantageous to the public.
64. Then do you mean to say that an ordinary road-gang could build such a bridge as that? Yes I do; I will undertake to build a better bridge, and a more substantial one, with twenty or thirty men such as are usually found in road-gangs. My father built one much more substantial, and over a larger stream, lately.
65. Do you suppose there would be much difference in the expense of building such a bridge there, now or then? A bridge would have been built much cheaper then than now.
66. Were there more roads then than now; or as much use of steam then as there is now; or were the prices of labor and provisions, tea and sugar, the same then as now? Neither roads nor steam were much required; timber was the principal requisite to construct a bridge, which now is not so abundant as then, nor so near at hand. The price of labor might then have been a little higher.
67. Then in your opinion roads are of little use in the cheap conveyance of timber, and steam in the cheap conveyance of provisions from Sydney? I consider good roads absolutely necessary in any country, but of no value without bridges. As regards steam navigation, it tends much to our advancement.
68. Are not carpenters' tools of all descriptions one-third cheaper now than then, as well as nails, and other necessaries to the construction of such a bridge? There may be some little difference in the value, but not considerable. Such tools as carpenters would use in the building of a bridge of that kind are merely axes, adzes, &c. which have not much decreased in price; and those men belonging to the gangs who cut away the banks of the creek, and otherwise assisted, I should imagine used those supplied by Government.
69. Is that article called "a monkey" likely to be injured by use? I should not imagine that it was.
70. Are you aware that it was usual about that period to lend articles of a rare description to promote objects of private as well as public undertaking? No, I am not; my father was refused the use of a boring-rod for which he applied to the Government some time back.
71. Was not that the reason of your applying that such articles were usually lent? Yes; and to shew that there was favour in the instance of the monkey being lent.
72. Then the only reason of your complaining that the monkey was lent, was, that the boring instrument was not lent? No, not all; I spoke of the monkey as being Government property, from making enquiries to whom it belonged.
73. All the information which you gave to the Council yesterday was obtained for the purpose of vindicating yourself from an alleged illegal act, was it not so? No, it was not so; it was to prove that what I had stated was correct with regard to the bridge.

74. How many of the certificates upon which that information was founded have been procured since the petition was presented? I cannot say; I made no memorandum of the times I got them, neither do I know when the petitioners put in their memorials.

75. Have all, or none of them been obtained since the 20th June last? Some of them have.

76. In making your enquiries, did you ask your informants how much they owed to the bridge, as well as how much they had paid? No.—The toll was an imposition, and I did not consider that it could be looked upon in the light of a debt.

77. Supposing the toll to be a legal one, are you in arrear of payment to the bridge? I should imagine that I am, for I have passed many times since I resisted paying.

78. I mean up to that time? No, I think I am not; I had no running account with them.

79. Are you aware of any persons not having paid previously to that? I know of no one but who paid, until after I discontinued, excepting Mr. Williams, who threatened the gate-keepers with an action.

80. Do you know of Mr. Reid, the Magistrate, or Dr. Bowman, or Mr. Plaistow, refusing to pay? I have heard that Dr. Bowman complained bitterly of the gross insolence used by the gate-keeper's wife to him on his passing on public duty, and refusing to pay; but he told me he always paid, excepting on public duty. I was in the Court at Maitland when Mr. Plaistow was bound over to keep the peace, for not allowing Mrs. Daley, the toll gatherer's wife to tear his coat, which she attempted to do, because he refused to pay.—I have heard that Mr. Reid considered the toll illegal, but cannot say positively whether he paid or not.

81. Are you aware that your informants, Patrick Campbell, Superintendent of Roads; Percival, Clerk to the Superintendent of Roads; Eckford, Chief Constable; and Stronach, Sheriff's Bailiff, were all discarded servants of Government when they gave you this information? No, I do not; nor do I believe it; for Stronach was holding his appointment of Sheriff's Bailiff, at Maitland, when I was there last week; at least he told me so.

82. You cannot state positively that any one of these persons is holding any of those situations? No, I cannot; but Stronach told me he had some writs to deliver, and was leaving Maitland for that purpose.

83. If such large sums had been paid as were mentioned by Aarons and others, would you not consider the tolls to be now worth, at least, £300 per annum? As to what they would be worth now, I cannot say—but it goes to prove how extortionate the demand then was.

84. If a person in your situation of life had paid only £16, do you believe that a person in Aaron's, had paid £200 during the same time. I think it likely he might; my property and business is thirty miles from Maitland, and my teams seldom go there. Aaron's property was in the town, and all the bricks for a large building he was erecting, were burnt, he told me, on the opposite side of the creek; and the carrier who drew them in told me, he had paid five times for the same team in the same day, and has certified the same in writing.

85. You have stated that if the same toll had been charged at Maitland in 1827, as was charged at Howe's Bridge in 1814, you would have considered it a violation of the agreement.—What is the ground of that opinion? I do consider that it would have been such.

86. What part of Mr. M'Leod's agreement do you consider to have been violated by the exaction of tolls? The whole; because he demanded a higher toll than he agreed to levy.

87. Are you aware, whether or not, it was part of Mr. M'Leod's understanding with Government, that he was to receive at the Maitland Bridge, in 1827, the same rate of tolls received at Howe's Bridge in 1814? No, I am not; I should have conceived the rate of tolls would have been such as were levied at the time the agreement was entered into, and I cannot conceive that any government would allow so unjust an exaction.

88. Are you aware of your own knowledge, that there was any agreement on the subject, or whether the rate of tolls was to be fixed by Act of Council? I had no knowledge of any agreement until lately, and should have considered an Act of Council necessary to legalise the tolls.

89. If you are not aware then of any agreement, how can you undertake to say that there has been a violation of one? Since I became acquainted that there was an agreement, it has become plain that it was violated.

90. When you took down the gate, was the rate of tolls on the board, according to the rate at Howe's Bridge in 1814; or according to the amended scale? I did not take notice of the Board.

91. Can you undertake to say that the paper produced yesterday, is a copy of the scale of tolls then upon the board there? I cannot say, as I observed before, I did not look at the board.

92. Were the bridges alluded to, as put up on the Newcastle-road, erected previously or subsequently to the Maitland Bridge? The one over Throsby's Creek was erected previously, but I am not aware whether the other was completed or not.

93. Are you aware that the bridge over Iron-bark Creek is now in so dilapidated a state as to be almost impassable? No; the week before last I crossed it; it was then in good order.

Examination of William Ogilvie, Esq., J. P., before the Legislative Council, July 19, 1833.

1. How long have you been a settler at Hunter's River; and are you acquainted with the Maitland Bridge? I have been at Hunter's River nearly eight years, and I am acquainted with the Maitland Bridge.

2. Do you know in what way it was built? I have no knowledge; but I have understood it was built by certain individuals in consequence of some arrangement with the Government.

It used to be called M'Leods Bridge, and it was understood he was the chief party in the agreement, and in the erection of the bridge. I know Mr. M'Leod superintended its erection.

3. Did you know or hear of prisoners being employed in its erection? I knew only of one prisoner; him I knew of from the circumstance of his having been sentenced by the Bench to be worked in irons; his name was Wall, and he was the servant of Mr. George Forbes. I recollect the circumstance particularly from our having made, or intended to make, a representation to the Government of the impropriety of thus employing the men who were sentenced to work in irons. His irons had been taken off. I do not know of any other prisoner in the service of Government being employed on the bridge.
4. Was that person clothed and fed by Government? I take it for granted he was fed and clothed as men usually are in iron-gangs, but it might not have been so.
5. In what way was that person employed? Driving a team at the time I saw him, drawing timber for the bridge; Mr. McLeod was a Magistrate in the neighbourhood where that bridge was erecting, at the time. It was considered an act of his, and a very improper act, by myself, and the other Magistrates, and upon that ground the representation was made, or intended to be made, to Government.
6. Is Maitland Bridge a thoroughfare from Newcastle and the Green Hills to the upper districts of the Hunter? It is.
7. Are there any other bridges on the road—how many, and where are they situated? There is only one between the Upper Hunter and Maitland. There is one over Stoney Creek; and there is another in the course of erection now, but I believe that is the only one actually existing at present. There are several water-courses where causeways are constructed, but I do not know that any of them can be properly called a bridge, except the one I have mentioned. Between Newcastle and Maitland there are two bridges, of some extent—one over Iron-bark Creek, and one over Throsby's Creek. There are two or three other smaller ones. They must all be past in proceeding from Newcastle to Maitland.
8. Do you know how long Wall was employed, and was he withdrawn in consequence of your representation? I do not know how long, and am not certain that any representation was made.
9. Do you think any of those bridges are as difficult to make, or more so, than Maitland Bridge? Those over Iron-bark and Throsby's Creek, I consider more difficult to make, but I do not profess to be a competent judge of bridge-making, I have never had experience.
10. Have you paid tolls at Maitland Bridge, and at what rate? Yes, during the whole time they were collected there; the toll I think, at first, was 6d. for a horse or bullock, and afterwards was reduced to 4d.
11. Do you consider the situation of the turnpike-gate in the centre of a town a proper place to collect a toll? That is a question difficult to answer. You would collect more toll than at either end of it—but whether it is proper, must depend upon circumstances.
12. Did children going to school, persons going to church, and prisoners going to muster, pay toll at the gate? I understood that all persons crossing were liable to toll, but I have no knowledge of the fact.
13. Was Wallis's Creek passable for drays, carriages, or foot-passengers, dry-footed, previous to the building of the bridge? No, I do not think it was passable for drays or carriages. There was one ford, a very bad one, which was only passable at particular times of tide, I believe. Persons used to cross in a boat, and swim the horses over.
14. How far round was it necessary to travel to avoid the swamps and bogs intersected by the line of road passing over this bridge? I am not aware that you could avoid them at all. In going from Newcastle to Maitland at that time, it was necessary to pass through, what was called the great swamp, which lay between Wallis's Creek and Newcastle—it was always dangerous, and frequently impassable.
15. In times of freshes was it practicable to pass in any way previously to the erection of the bridge? No, except by a boat. In freshes the whole line of road was impassable, except at considerable risk—in high freshes it was impassable.
16. Did not this bridge open a direct line of road to the head of the navigation, and was it not of great importance and advantage to all the settlers located on the Hunter, above Wallis's Creek? It did open a communication with the navigation, and was of very great importance and convenience to the public at that time. It enabled us to receive our supplies, and embark our produce at the navigable part of the river.
17. Do you not think the public interests are promoted in the completion of such undertakings by private individuals, in remote districts, where the inhabitants are rapidly increasing? No doubt the interests of society at large are advanced by works of this kind. I believe no one would have objected to pay toll for the convenience the bridge afforded.
18. Was not the erection of a bridge at Maitland an undertaking of this description in a part of the country at that time, thinly inhabited, rapidly increasing, and difficult of access? I think I have answered that in the former question. The country was at that time such as is described, and the bridge afforded great public convenience, as I have stated before.
19. Are there any other tolls in the district of Hunter's River? None.
20. What would you consider customary tolls for passing bridges in 1827? I have no knowledge of any toll in any other part of the Colony.
21. After the reduction of tolls at Maitland Bridge, for a horse, from 6d. to 4d., was there any, and what toll charged for foot-passengers? The very few times I passed on foot over Maitland Bridge, I paid 2d., which, as far as I know, was the rate which was always collected.

GOVERNMENT AND GENERAL ORDERS.

Secretary's Office, Sydney, 15th August, 1820.

CIVIL DEPARTMENT.

The lease of the tolls over the South Creek at Windsor, which was granted by the late

late Governor King to the late Mr. Andrew Thompson of Windsor, having lately expired, notice is hereby given, that the following reduced rates of charges for toll on the South Creek aforesaid, has been adopted by the Governor, on the recommendation of the Magistrates of Windsor and Richmond, and no other rate or charge of toll is to be made there from and after Thursday the 24th instant; namely:—

	s.	d.
For each head of horned cattle.....	0	1
„ Score of sheep or swine.....	0	6
„ Horse.....	0	2
„ Cart with one horse or bullock.....	0	3
„ ditto, two.....	0	4
„ ditto, three.....	0	5
„ ditto, four.....	0	6
„ Gig or single horse chaise.....	0	6
„ Curricie.....	0	8
„ Four wheeled carriage with two horses.....	1	0
„ ditto, four.....	1	6
„ Waggon with two horses or bullocks.....	0	8
„ ditto, three.....	0	9
„ ditto, four.....	0	10

And notice is hereby given, that the tolls to be levied at the bridge over the South Creek, commonly called How's Bridge, at the present reduced rate, will be let for one year commencing from the 1st September next.—Applications to be made in writing on or before the 25th instant, to D. Wentworth, Esquire, one of the Trustees of the Turnpike Roads.

(Signed) J. T. CAMPBELL, *Secretary.*

Bathurst-street, 16th February, 1832.

Sir,

According to the instructions of His Excellency the Governor, I proceeded to Maitland and examined the bridge erected by Mr. M'Leod, and on making an estimate, find that the cost of a new one of the same description, including the toll-gate, would be two hundred and twenty-two pounds, fifteen shillings, and eight-pence; and beg leave to offer the following observations.

The materials of which the bridge consists, are very slight, none of the timbers exceeding ten inches in substance, and from the height of the road-way above the bed of the river, would not have been sufficient for its support, had not the framing of the piers been trussed. The river is subject to floods, and owing to the road-way being on a level with the banks, the water rises over the top, and it has been found necessary for the safety of the whole, to employ men to guide the floating timber through, or over, to prevent an accumulation; this would be easily avoided in the event of other bridges being erected, by elevating the road a few feet above the banks, making a greater water-way between the piers, and in many instances leaving them out altogether, as recommended to Captain Wilson, at his examination of the bridge at the South Creek, when it was carried away, about two years ago. It was impossible for me to ascertain to what extent the worm had injured the centre piers, below the water, but the usual precautions of sheeting with copper had not been attended to. I should beg leave to recommend a deeper-curb-plate on each side the road-way, which would not only strengthen, but allow a greater depth of gravel to be laid on, its present coat not being more than a few inches. I cannot advise a more permanent repair being made on so slight a foundation.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) AMBROSE HALLEN.

*The Honorable
The Colonial Secretary.*

MINUTE.

The Council having investigated at some length the agreement made by the late Government with the builders of Maitland Bridge, I think it right to lay before them the original proposal of Mr. M'Leod, and the Colonial Secretary's reply, with some further correspondence between the same parties upon the subject of toll, and a letter from Mr. William Dumaresq, containing the terms upon which he offered the Bridge to Government in January, 1832.

In the latter document, the original expence of the bridge is stated at £450; but the Colonial Architect having been sent to examine and report the state of the bridge, and the cost of erecting a new one of the same description, estimated the expence at £222 15s. 8d., as appears by his letter laid before the Council. This sum the Government proposed to pay to Messrs. Dumaresq, which, together with the amount of tolls received for four years preceding, was thought to be a sufficient compensation for any expenses to which the builders of the bridge might have been put by reason of their agreement with the late Government. The grounds upon which that Government omitted, for four years, to complete its agreement, by applying to the Legislature, to establish a toll on the bridge, do not appear from any document which has been obtained from the Colonial Secretary's Office; but whatever they may have been

been, there was a plain and obvious reason why the Government of 1832 should not make such application. The stream over which the bridge is placed, as has been stated in the evidence, separates the town of Maitland into two parts. Previously to 1832 the great body of the inhabitants had built their houses on one side of the stream, whilst the Government had placed the church, school, court-house, police and post-office, on the other; and all intercourse between the two parts of the town, must, of necessity, be carried on by means of the bridge. To have established a toll there, would have been not only inconvenient, but injurious and oppressive to the inhabitants of Maitland. But in refusing to apply to the Legislature for such a toll, the Government offered to the builders of the bridge that compensation which, under all the circumstances of their case as then considered, and as now given in evidence, is held to be sufficient.

(Signed)

RICHARD BOURKE.

23rd July, 1833.

Proposal for erecting a Bridge over Wallis' Creek, Hunter's River.

I hereby propose to build a good substantial wooden bridge over Wallis' Creek, Hunter's River, and also to keep the same in good repair for the term of ten years, the Government allowing me a toll during the said term of ten years, at the same rates as are levied at present at the bridge over the South Creek at Windsor, called Howe's Bridge. The bridge to be commenced upon immediately. That Government sanctions the above proposals, and finished with as little delay as possible.

(Signed)

ALEXANDER M'LEOD.

Sydney, 5th January, 1827.

No. 218.

Colonial Secretary's Office, Sydney, 14th February, 1827.

SIR,

Your proposal of the 5th ultimo, to build "a good substantial wooden bridge over Wallis' Creek, Hunter's River," having been submitted to the Governor, I am directed by His Excellency to intimate to you that it is accepted on the following conditions, viz. :—

- 1.—That you are to receive the customary tolls (the amount of which will be specified hereafter,) during (7) seven years from the day of the bridge being opened for the use of passengers.
- 2.—That you are to keep the bridge in repair at your own expense, and to deliver it over in that state to the Government at the expiration of the above-mentioned period.
- 3.—You are to build an inn, and establish a stock-yard, for the accommodation of the public; for which purpose (5) five acres of land will be allowed you, on your making a selection, if no objection exists to your receiving the spot selected.

If you accede to these terms, I have to request you will inform me to that effect, after which you will be at liberty to proceed with the work as soon as you think proper.

I have the honor to be, &c.

(Signed)

ALEXANDER M'LEAY.

*Alexander M'Leod, Esquire,
Luskintyre.*

Luskintyre, 1st September, 1827.

SIR,

I have the honor to inform you that the bridge building by me over Wallis' Creek will be completely finished and ready to be opened for passengers on the (15th) fifteenth of this current month. I therefore have to request that you will have the goodness to forward to me, as early as possible, a table of the rates of tolls to be levied on that bridge, so as to enable me to open it for the public accommodation on that day, and

I have the honor to be, &c.

(Signed)

ALEXANDER M'LEOD.

*The Honorable
The Colonial Secretary.*

Colonial Secretary's Office, 7th September, 1827.

SIR,

In reply to your letter of the 1st instant, on the subject of a scale of tolls to be levied at the bridge which you have lately erected at Wallis' Plains, I am directed by the Governor to inform you that His Excellency cannot authorise any until sanctioned by an Act of Council.

I have, &c.

(Signed)

ALEXANDER M'LEAY.

*Alexander M'Leod, Esquire,
&c. &c. &c.
Luskintyre.*

Sydney,

Sydney, 27th January, 1832.

Sir,

I have to acknowledge the receipt of your letter of yesterday's date, on the subject of the Maitland Bridge, and intimating His Excellency the Governor's views of proposing to the Legislative Council to purchase this bridge from the Assignees of the original proprietors, "provided this can be effected upon reasonable terms."

In reply, I have the honor to state, that it will appear from my correspondence on this subject, since I became the principal proprietor, that my brother and myself had no objection to cede the property in it to the Government, on being reimbursed the original expenses, viz. £450. We have no objection still, to adhere to these terms, with the further provision that the Government will undertake, either to stop, or defray the expenses of the actions notified to be brought by Mr. Williams and Mr. Plaistow, for the levying toll from them. If this cannot be acceded to, the present proprietors have only again to urge their request that the necessary Act of Council be passed, legalising the levying of their tolls, as originally promised by the Government.

I may be permitted to observe that, duly authorised, I have reason to believe the tolls would now let for £200 per annum, and I need hardly remark, that the traffic of that part of the country is daily increasing.

The present notification from the Government, that they will not protect the proprietors in the levying of tolls, must necessarily oblige them to cease from their collection, until the Act of Council is passed, authorising their doing so, and they will consequently instruct their tenant to cease from demanding them, and to throw open the bridge; it having ever been the view of the proprietors, rather to afford the public an accommodation by the bridge, than oppose an obstruction, by taking up the planking, and stopping the passage. It may be necessary for me to add, that as holding two-thirds of the property in the bridge, I consider myself authorised to make the present proposal for its disposal.

I have the honor to be, &c.

(Signed) WILLIAM DUMARESQ.

The Honorable
The Colonial Secretary.

 Colonial Secretary's Office, 30th January, 1832.

Sir,

I have the honor to acknowledge the receipt of your letter of the 27th instant, stating that the proprietors of the Maitland Bridge are willing to cede it to the Government, on being reimbursed the original expenses; namely, four hundred and fifty pounds, provided the Government will undertake, either to stop, or defray the expenses of the actions, notified to be brought by Mr. Williams and Mr. Plaistow.

Having submitted your communication to the Governor, I am directed by His Excellency to inform you, that the Government cannot undertake to defend or to compromise the actions brought by Mr. Williams and Mr. Plaistow. But if you consent to give up this point, His Excellency will direct a person to be sent immediately to inspect and report on the state of the bridge, and the price required for the same.

I have, &c.

(for the Colonial Secretary,)

(Signed) T. C. HARINGTON.

William Dumaresq, Esq.

 Police Office, Maitland, 8th November, 1831.

Sir,

I have the honor to acknowledge the receipt of your letter, dated 4th instant, enclosing the copy of a report from His Majesty's Attorney General, on the subject of a bridge over Wallis's Creek.

Referring to the opinion expressed by the Attorney General, on the legality of the proprietors of the bridge demanding toll, I beg to call your attention to that part where it is particularly pointed out, that it is, *provided the old road over the creek has not been obstructed*; that the proprietors of the bridge have a right to prevent any person from passing over that bridge, who refuse to pay.

In order to ascertain how far the Bench could interfere, should they be called upon, I made every enquiry, and by my own observation first, that the old road is obstructed; and has been so for a long time, by the proprietor of the land where it formerly existed, and is now in cultivation and fenced in, and there is now no passage over the creek.

I am sorry to say, there continues a decided determination to resist payment, which is refused on the grounds, that there is no Act of Council permitting any private individual to stop up the public road, which the person in charge of the bridge, feels authorised to do, by shutting the Gate on those who refuse to pay. The consequence is, that a breach of the peace is frequently committed. On these occasions, the Bench of Magistrates do not hesitate in interfering; and not later than this morning, Mr. Plaistow, an attorney, was brought before the Bench, and was bound over to keep the peace, for committing an assault on the person who keeps the bridge.

I regret to say that Mr. Blaxland has again resisted payment, and in order to obtain a passage over the bridge, forced open the gate which was closed on him. In consequence of an application from Joseph Daly, the person who keeps the bridge, Mr. Blaxland was summoned to appear before the Bench. On this point, the Magistrates feel doubtful how far they can interfere, considering that a disputed right, where no assault is committed, is only cognizable by a Court of law, and would recommend that an action be instituted by the proprietors of the bridge, against Mr. Blaxland. The case is in consequence remanded, until we receive further instructions from His Majesty's Attorney General.

I beg you will have the goodness to submit all these circumstances, for the consideration of His Excellency the Acting Governor, and obtain, for the guidance of the Bench, His Commands, assuring His Excellency, that the Magistrates are reluctant to act, *only* in consequence of not knowing how far they are authorised so to do, legally.

I have the honor, &c.,
(Signed) P. N. ANLEY, J. P. *Resident Magistrate.*

The Honorable
The Colonial Secretary.

Sydney, November 10, 1831.

SIR,

I regret to be under the necessity of again troubling you on the subject of my letter of the 1st instant respecting the conduct of Mr. J. Blaxland and others, who have refused to pay toll at the Bridge at Maitland, but in consequence of further violences, recently committed, and the want of decision on the part of the Magistrates, who, I presume do not put sufficient confidence to act in this case, without further instructions; it becomes absolutely requisite both for the safety of our property in the bridge, as well as for the protection of the persons renting it that decisive measures be at once adopted.

It is unnecessary to remind you, that the right of property held by myself and brother in this bridge, is derived *entirely* under the authority, and with the sanction of Government, and that we have no means of asserting this right but by its intervention and support.

I may therefore be excused if I complain, which I do, however, with much reluctance, and without the slightest intention of disrespect, that the public have not been disabused with regard of the doubts entertained as to the legality of exacting these tolls, and that we should not have been relieved from the trouble and anxiety, consequent on the unpopular and invidious task of enforcing claims which are thought to be unfounded and illegal.

The late acts of violence alluded to are as follow :

On the 8th instant, Mr. Plaistow, in company with Mr. Allan, of Maitland, endeavoured, as is usual, with the former of these gentlemen, to pass the bridge without paying toll, and being resisted by Daly, the person renting it, struck him in the face. Mr. Plaistow is bound to appear at the Quarter Sessions, to answer for this assault; but Daly states that the Magistrates did not oblige him to pay the toll.

On the same day, Mr. J. Blaxland forced open the gate, as in the former instance, by means of a team of bullocks; passing himself at the same time, with a second team and three assigned servants. This act of violence, was attended with other circumstances of aggression, which it is unnecessary to mention in this place, as the Maitland Bench have appointed Monday next, I believe, to hear the complaint of Daly.

This man, who from motives of gratitude and attachment alone, retains his charge of the bridge, informs me, that he entertains serious apprehensions for the safety of himself and family, in consequence of the hostile feeling excited against him. He states, that he is frequently threatened "to be put out of the way, and his hut burned; as he is the only person who would undertake the unlawful task of collecting the tolls."

Should there be any difficulty attending the establishment of our right to collect these tolls (which, however, I cannot suppose,) I would beg to suggest, that, until the question can be satisfactorily disposed of, it will perhaps be better to cease exacting them; the proprietors of the bridge being allowed to retain the tolls, for a period equal to that which may elapse before this right is definitively settled—beyond the time at which they are present bound to relinquish them to the Government.

I would now beg to renew our proposition, that the Government should at once assume its right to the bridge, making such reasonable allowance as may be agreed upon, for the labor and costs of its construction, as well as for the profits which may be calculated to arise from the tolls, according to their present rate; a rate which we are willing to admit, bears no proportion to the value of property and stock; and which, in justice to the public, we presume to think should be lowered.

I have the honor to be, &c.

(Signed) WILLIAM DUMARESQ.

A. M'Leay, Esq.
Colonial Secretary.

Colonial Secretary's Office, 10th November, 1831.

SIR,

With reference to your letter of the 25th of last month, and to mine of the 4th instant, on the subject of the bridge at Maitland, I am now directed by His Excellency the Acting Governor, to transmit to you the accompanying letters from Captain Anley, the Police Magistrate, at Maitland, dated the 8th instant; and from Mr. W. Dumaresq, of this date, stating further aggressions on the part of Mr. John Blaxland, junior, and others; and I am
commanded

commanded to request that you will favor me with your further opinion on the subject, and particularly that you will enable me to communicate instructions by to-morrow's post, to the Magistrates, as to the legal steps proper for them to take in the matter at issue.

I have the honor, &c.,
(for the Colonial Secretary,
(Signed)

T. C. HARRINGTON.

John Kinchela, Esq.
Attorney General.

P. S.—The accompanying letters being sent to you in original, to save time, I have to request that you will return them with your report.

Attorney General's Office, 11th November, 1831.

SIR,

I have the honor to acknowledge the receipt of your letter of the 10th instant, on the subject of the bridge at Maitland, together with the letter of the 4th instant, and the enclosures respecting the same subject, and in reply, have the honor to state, for the information of His Excellency the Acting Governor, that as the right of the tolls of this bridge has been questioned, that right must be decided by a civil suit, by an action of trespass being brought against Mr. Blaxland, and other persons, who forced a passage over the bridge; and as one action will decide the right, it will be unnecessary to proceed in more than one action against a *solvent* person, but as, pending such a suit, it is the duty of the Magistrates to preserve the public peace, they should bind the parties over to keep the peace, pending the enquiry as to the above right; and in case of a breach of the peace, they should take information against the parties, to be tried at the Quarter Sessions. If the public feel themselves aggrieved, they should proceed legally to remove the toll-gate, by bringing an action against the toll-keeper, either for a nuisance in stopping the highway, or for extortion in exacting the toll; but should, on no account, be allowed to disturb the public peace, by attempts at forcing open the gate.

As to the Act of the 7th and 8th George the IVth, which was made operative in this Colony by the 9th George the IVth, No. 1; the only clause which could be supposed to enable the Magistrates to act in a summary manner against the parties, is the 14th section, relating to the injuries to turnpike-gates; but that clause refers to tolls directed to be paid by any Act or Acts of Parliament; the other clause is the 25th section, which relates to injuries done to property, not otherwise mentioned in the Act; but its application to the present case, is rendered doubtful by a proviso, as follows:—"Provided always, that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of."

If the Magistrates should be of opinion, that Mr. Blaxland, and those concerned with him in the trespass, acted under a fair and reasonable supposition that he had a right to do the act complained of, they cannot convict him; but, if they are of opinion that he did not act under such a fair and reasonable supposition, but from an intention of defeating the demand and right of toll, they may convict him under this clause; and if he feels himself aggrieved, he has, under the Act, a power of appealing to the Quarter Sessions.

As it is desired that my opinion for the guidance of the Magistrates should be given to day, I have done so, but intend when the hurry of the criminal business is over, to have the honor to state more at large my opinion as to the civil proceedings necessary to be adopted, and also with reference to the proposal contained in Mr. Dumaresq's letter, which I conceive might be adopted with advantage, and the public reimbursed by the establishment of a reasonable toll for a given period, authorised by Act in Council.

I herewith transmit the original documents, enclosed in your letter of the 10th instant.

I have the honor to be, &c.

(Signed) JOHN KINCHELA.

To the Honorable Alexander M'Leay,
Colonial Secretary, &c. &c. &c.

Sydney, 24th July, 1833.

SIR,

In compliance with the requisition contained in your letter of the 22nd instant, that I should furnish, for the purpose of being placed on the Minutes of Evidence, taken before the Legislative Council, relative to the claim of myself and brother, to compensation for loss of tolls on Maitland Bridge—the several rates demanded and taken at the same, from the time of its opening, until toll ceased to be levied.

I have the honor to transmit the accompanying statement, certified by the late lessee of the tolls in question, which I hope will contain the information required.

I had requested that the toll-board might be forwarded, or that an attested copy of the rates printed thereon, might be furnished. But Captain Anley, Police Magistrate of Maitland, informs me as follows:—

"I find on enquiry, that the toll-board was lost during the last flood, I hope, however, "the enclosed" (the statement now forwarded), "will answer your purpose."

I have the honor, &c.

(Signed) H. DUMARESQ, LIEUT.-COL.

E. Deas Thomson, Esq., &c., &c., &c.

RATE

RATE of the TOLLS levied at the Bridge over Wallis' Creek, Maitland, from its establishment to the

FROM THE ESTABLISHMENT TO SEPTEMBER, 1830.		FROM SEPTEMBER, 1830, TO	
	s. d.		s. d.
For each foot passenger	0 2	For each foot passenger	0 2
— single horse	0 6	— single horse.....	0 4
— horse or bullock in cart	1 0	— bullock in draught	0 8
— cart with 2 horses or bullocks...	1 2	— cart with 2 horses or bullocks	0 10
— horse or bullock above that number	0 2	— horse or bullock above that number.....	0 1½
Waggons, or four-wheeled carriages with 2 horses or bullocks ...	1 6	Waggons, or four-wheeled carriages, with 2 horses or bullocks	1 0
Each horse or bullock above that number	0 2	Each horse or bullock above that number.....	0 1½
Each horse or head of cattle in draught under a score.....	0 6	Each head of cattle not in draught under a score	0 4
Every score	5 0	Every score	3 4
Per hundred	18 0	Per hundred.....	12 6
Every pig, sheep, goat, under a score...	0 1½	Every pig, sheep, goat, under a score	0 1
Every ditto, per score	1 0	Every ditto, per score	0 8

I hereby certify that the above is the rate at which the Tolls over the Bridge at Wallis' Creek, Maitland, have been collected by myself, and my predecessor, THOMAS DERRING.
(Signed) JOSEPH DALY.

Maitland, 22nd July, 1833:

No. 32.

THURSDAY, 25 JULY, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor took the Chair, and laid upon the Table the following Returns to the Resolution of Council of the 24th instant.
 - (1.) The original Jury Lists returned by the several Benches of Magistrates in the County of Cumberland, for the year 1833.
 - (2.) The Sheriff's Jury Books, Special and Common, for 1833.
 - (3.) Return of the number of Civil Issues tried in the Supreme Court in the years 1831 and 1832. To be printed.
 - (4.) Return of the number of Criminal Cases tried in the Supreme Court, in the years 1830, 1831, and 1832. To be printed.
 - (5.) Return of the number of Criminal Issues tried by Jury in the Courts of Quarter Sessions in the year 1832, and in the two first quarters of 1833. To be printed.
2. His Excellency the Governor laid upon the Table, "A Bill for appointing and empowering Commissioners to hear and determine upon Claims to Deeds of Grant of Land under the Great Seal of the Colony of New South Wales, and to enable the Governor of the said Colony to deliver such Deed accordingly." Bill read a first time; to be printed, and read a second time on Wednesday, the 7th August.
3. Road Bill; further amended in Committee; to be reprinted, and recommitted on Thursday, the 8th August.
4. Messrs. Dumaresq's Petition; further consideration deferred until Thursday, the 8th August.
Council adjourned at half-past three o'clock, until Tuesday the 6th August, at twelve o'clock.

ORDERS OF THE DAY.

TUESDAY, AUGUST 6.

1. Jury Bill; further consideration.

WEDNESDAY, AUGUST 7.

1. Lands Bill; second reading.

THURSDAY, AUGUST 8.

1. Road Bill; recommitment.
2. Messrs. Dumaresq's Petition; further consideration.

E. DEAS THOMSON, Clerk of the Council.

A RETURN of the number of Issues tried on the Civil Side of the Supreme Court of New South Wales, during the Years 1830, 1831, 1832, and 1833, distinguishing those tried by Assessors, and by Special and Common Juries.

YEAR.	CASES TRIED BEFORE ASSESSORS.		CASES TRIED BEFORE JURIES.		TOTAL.	
	DEFAULT.	DEFENDED.	SPECIAL.	COMMON.	ASSESSORS.	JURIES.
1830	222	170	15	4	401	19
1831	174	191	27	1	365	28
1832	149	189	9	4	338	13
1833	115	102	12	8	217	20

JOHN GURNER,
Chief Clerk of the Supreme Court.

25th July, 1833.

A RETURN of the number of Criminal Issues tried in the Supreme Court of New South Wales, during the Years 1832 and 1833, and of Cases tried under the 40th Section of the Act of Council 2nd William IV., No. 3.

YEAR.	ISSUES.	Cases tried under 40 S. 2, W. IV., No. 3.
1832	225	.....
1833	165	.....

JOHN GURNER,
Chief Clerk of the Supreme Court.

A RETURN of the number of Criminal Issues tried by Jury in the several Courts of General Quarter Sessions throughout the Colony, in the Years 1832, and the first two Quarters of 1833.

1832.

At Sydney	167
Campbelltown	16
Parramatta	30
Windsor	34
Maitland	20
Bathurst	4

Total in the Year 1832... .. 271

1833.

At Sydney	134
Campbelltown	26
Parramatta	12
Windsor	24
Maitland	30
Bathurst	6

Total in the two first Quarters of 1833..... 223

No. 33.

TUESDAY, 6TH AUGUST, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair.
Jury Bill; amended in Committee.
Motion made and question put, That the Governor be most respectfully requested to apply to their Honors the Judges of the Supreme Court for their opinions, as to whether a person who has been convicted of a felony or transportable offence, and whose sentence has expired, or been remitted by an absolute or conditional pardon, is legally qualified to sit upon a Jury in England. *Passed without a division.*
Further consideration of Bill deferred until to-morrow.
2. Police Bill; presented by His Excellency the Governor as amended. Bill read a third time, and passed.
Council adjourned at five o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

WEDNESDAY, AUGUST 7.

1. Jury Bill; further consideration.
2. Lands Bill; second reading.

THURSDAY, AUGUST 8.

1. Road Bill; recommittal.
2. Messrs. Dumaresq's Petition; further consideration.

E. DEAS THOMSON, *Clerk of the Council.*

No. 34.

WEDNESDAY, 7TH AUGUST, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair.
Title to Lands Bill; read a second time, committed and amended, and further consideration deferred until Tuesday next.
Council adjourned at half-past four o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

THURSDAY, AUGUST 8.

1. Road Bill; recommittal.
2. Messrs. Dumaresq's Petition; further consideration.

FRIDAY, AUGUST 9.

1. Jury Bill; further consideration.

TUESDAY, AUGUST 13.

1. Title to Lands Bill; further consideration.

E. DEAS THOMSON, *Clerk of the Council.*

No. 35.

FRIDAY, 9 AUGUST, 1833.

1. Council met pursuant to adjournment—His Excellency the Governor took the Chair, and laid upon the Table, "A Bill to enable the Members or Proprietors of a certain Banking Establishment or Society, called 'The Bank of Australia,' carried on in the Town of Sydney, to sue and be sued in the name of the Chairman for the time-being of the said Bank, and for other purposes."
The Clerks of St. Philip's and St. James's Churches, Sydney, were respectively called in, and proved the notification of the intention to apply for this Bill having been affixed to the doors of the said Churches on three successive Sundays. Bill read a first time; to be printed, and referred to a Sub-Committee.

SUB-COMMITTEE APPOINTED.

THE ATTORNEY GENERAL,
THE CONTROLLER OF CUSTOMS,
MR. JONES,

MR. BLAXLAND,
MR. H. H. M'ARTHUR,

2. His Excellency the Governor laid upon the Table, "*A Bill for protecting the Crown Lands of this Colony from encroachment, intrusion, and trespass.*"—Bill read a first time; to be printed, and read a second time on Friday the 16th instant.
3. His Excellency the Governor laid upon the Table, the following Minute, which was read:—

I have to call to the recollection of the Council, that in applying the Revenue of the year 1833, no specific appropriation was made of the sums of money to be raised by the issue of Licenses to sell Spirits by retail, as the Act of Council, (2 Geo. IV., No. 11), by virtue of which the Licenses were issued, contained a provision by which the amount collected on their issue was directed to be paid to the Colonial Treasurer, and appropriated to the use of His Majesty, towards defraying the expenses of the Police of the Colony.

That Act having expired on the 30th June last, and the Act by which it has been replaced (3 William IV., No. 8), directing that the sums of money, collected under its provisions, shall be appropriated to the use of His Majesty, His Heirs and Successors, for the public uses of the Colony, and the support of the Government thereof, it becomes necessary to apply the amount by a Resolution of Council. I have therefore to recommend that a sum of £9,037 10s. being the amount collected on the issue of Licenses in the present year (1833), be appropriated towards defraying the Expense of the Police Establishment of the Colony for the same year.

I have also to recommend, that the sum of £187 10s. be appropriated and paid to the Chairman of the Quarter Sessions, out of the Revenue of the year 1833, to defray the amount of additional salary, and in lieu of travelling expenses. This increased salary has been granted to the Chairman for the year 1834, in consequence of the additional demand upon his time, and the expense to which he is subjected by the duties imposed upon him under the provisions of the Act of Council, 3 William IV., No. 3. This Act came into operation on the 1st of October last, and the Chairman's increased duties commenced in that quarter; I have therefore to recommend that the increased salary be allowed from the same period.

(Signed)

RICHARD BOURKE.

August 9th, 1833.

4. The Controller of Customs, as Chairman, brought up the Report of the Sub-Committee on Commissariat Claims.—Report received, and to lie on the Table.
5. His Excellency the Governor, in reference to the Resolution of Council of the 6th instant, laid upon the Table, the opinion of their Honors the Judges of the Supreme Court as to the competency of certain persons as jurors in England.—To be printed.
Further consideration of Jury Bill deferred until Wednesday next.
6. Messrs. Dumaresq's Claim to compensation for Loss of Tolls on Maitland Bridge, further considered.
Motion made and question put, That His Excellency the Governor be most respectfully requested to amend the Estimate which proposes to give Lieut.-Colonel Dumaresq, and William Dumaresq, Esquire, the sum of £222 15s. 8d. for their interest in the Bridge over Wallis's Creek, Maitland, to the sum of £500, in compensation for their Claim in this case, and to lay the same before the Council, for their adoption. Council divided. Ayes, 7—Noes, 3.
Motion made and question put, That Mr. Jones and Mr. Campbell be authorised to wait upon His Excellency the Governor to communicate the above Resolution. *Passed without a division.*
7. Road Bill; recommittal deferred until Tuesday next.
Council adjourned at four o'clock until Tuesday next at one o'clock.

ORDERS OF THE DAY.

TUESDAY, AUGUST 13.

1. Title to Lands Bill; further consideration.
2. Road Bill; recommittal.

WEDNESDAY, AUGUST 14.

1. Jury Bill; further consideration.

FRIDAY, AUGUST 16.

1. Crown Lands Protection Bill; second reading.

NOTICES OF MOTIONS.

1. The Colonial Secretary.—That the sum of £9,037 10s. being the amount collected on the issue of Licenses to Retail Spirits in the present year, be appropriated towards defraying the Expenses of the Police Establishments of the Colony for this year.
2. That a sum not exceeding £187 10s. be appropriated and paid to the Chairman of the Quarter Sessions, out of the Revenue of the present year, to defray the amount of additional Salary and allowance for Travelling Expenses, from the first day of October last to the end of the present year.

3.

3. That a sum not exceeding £5,940 6s. 5d. be appropriated out of the balance remaining in the Treasury on the 31st December, 1831, to repay into the Military Chest the amount defrayed by the Deputy Commissary General for Provisions, Forage, Fuel, Light, Stationery, and Miscellaneous Articles supplied to the several Colonial Departments from the 25th December, 1827, to the 24th December, 1828.

E. DEAS THOMSON, *Clark of the Council.*

*COPY of a Letter from their Honors the Judges of the Supreme Court,
to the Honorable the Colonial Secretary.*

Sydney, 8th August, 1834.

SIR,

In accordance with the request of His Excellency the Governor, we have the honor to communicate to you our opinion on the subject referred to us for the information of the Legislative Council, and contained in your letter to us of the 7th instant.

We are of opinion that by the Statute, 6 Geo. IV., c. 50, sec. 3.

Any person (not under outlawry or excommunication) who hath been or shall be attainted of any Treason or Felony, or convicted of any crime that is infamous, and hath obtained a free pardon, would be holden qualified to serve on juries in England.

We are further of opinion that since the passing of the Statute, 6 Geo. IV., c. 50, the law has been so far altered in this respect, by three subsequent Statutes, viz. :—the 7 and 8 Geo. IV., c. 28, the 9 Geo. IV., c. 32, and the 9 Geo. IV., c. 83, that the following persons, who have been convicted of a felony or transportable offence, would now be holden qualified to serve on juries in England, in addition to those who having been so convicted have obtained a free pardon; viz. :—

First. By Statute 7 and 8 Geo. IV., c. 28, sec. 13.

Any offender convicted of felony punishable with death, or otherwise, to whom his Majesty hath been or shall be pleased to extend his Royal mercy, and by warrant under His Royal Sign Manual, countersigned by one of his Principal Secretaries of State, hath granted or shall grant to such offender a conditional pardon, and the condition has been performed.—

Secondly. By Statute 9 Geo. IV., c. 32, sec. 3.

Any offender convicted of felony not punishable with death who hath or shall have endured the punishment adjudged for the same.

Thirdly. By Statute 9 Geo. IV., c. 83, sec. 32.

Any transported felon or offender whose term of transportation hath, before the 1st January, 1824, been remitted by any Governor of New South Wales in manner directed by the Statute, such remission having also been ratified by His Majesty as therein mentioned.

Fourthly. We are of opinion that all persons who, having been convicted of any transportable, offence, not being *felony or such crime as is accounted in law infamous*, have received an absolute pardon, or a conditional pardon; and have performed the condition, or who have endured the punishment for the same, would be holden qualified;

Because such offences create no disqualification, but only incapacitate the offender so long as he is deprived of his liberty.

We are further of opinion that persons who have been convicted of perjury under the Statute 5 Eliz. c. 14, can by no means, but by Act of Parliament, be so restored to their civil capacities as to be qualified to serve on juries in England.

Secondly. That persons who have been convicted of *such transportable offences as are in law accounted infamous*, as perjury at common law, subornation of perjury, and forgery in some cases, and have not received a *free pardon*, would not now be holden qualified to serve on juries in England.

Thirdly. That persons who have been convicted of such offences as are below the degree of felony, and are *not transportable offences*, but yet are in law accounted infamous, as persons convicted of conspiracy to accuse another of a capital offence, or of any other species of the *crimen falsi*, would not now be holden qualified to serve on juries in England.

We have the honor to be,

Sir,

Your most obedient Servants,

FRANCIS FORBES, CHIEF JUSTICE.

JAMES DOWLING.

W. W. BURTON.

No. 36.

TUESDAY, 19 AUGUST, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. Resolved, That the sum of £9,037 10s., being the amount collected on the issue of Licences to retail Spirits in the present year, be appropriated towards defraying the expenses of the Police Establishment of the Colony, for the year 1833.
2. Resolved, That a sum not exceeding £187 10s. be appropriated and paid to the Chairman of the Quarter Sessions, out of the vote of credit for 1833, to defray the amount of additional salary and allowance for travelling expenses, from the 1st day of October last, to the end of the present year.
3. Resolved, That a sum not exceeding £5,940 6s. 5d., be appropriated out of the balance remaining in the Treasury on the 31st December, 1831, to repay into the Military Chest the amount defrayed by the Deputy Commissary General for provisions, forage, fuel, light, stationery, and miscellaneous articles supplied to the several Colonial departments, from the 25th December, 1827, to the 24th December, 1828.
4. Title to Lands Bill; further amended in Committee; to be again considered on Tuesday next.
5. Road Bill; re-committed and amended; to be further considered on Friday next. Council adjourned at five o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

WEDNESDAY, AUGUST 14.

1. Jury Bill; further consideration.

FRIDAY, AUGUST 16.

1. Crown Lands protection Bill; second reading.
2. Road Bill; further consideration.

TUESDAY, AUGUST 20.

1. Title to Lands Bill; further consideration.

E. DEAS THOMSON, *Clerk of the Council.*

No. 37.

WEDNESDAY, 14TH AUGUST, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor took the Chair, and laid upon the Table, "A Bill for applying the Amount collected on the issue of Licences to Retail fermented and spirituous Liquors in the year one thousand eight hundred and thirty-three, towards defraying the expenses of the Police Establishment of New South Wales during the same year"; Bill read a first time; to be printed, and read a second time on Tuesday next.
2. Jury Bill; in Committee. On the first clause, Motion made and question put, That the words "And to make further provision for extending Trial by Jury in all Criminal Cases in the said Colony," be omitted. Council divided. Ayes, 6; Noes, 7. Bill to be further considered to-morrow.
Council adjourned at half-past four o'clock until to-morrow at one o'clock.

ORDERS OF THE DAY.

THURSDAY, AUGUST 15.

1. Jury Bill; further consideration.

FRIDAY, AUGUST 16.

1. Crown Lands Protection Bill; second reading.
2. Road Bill; further consideration.

TUESDAY, AUGUST 20.

1. Title to Lands Bill; further consideration.
2. Police Appropriation Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 38.

THURSDAY, 15TH AUGUST, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor in the Chair. Messrs. Jones and Campbell reported they had waited upon and communicated to His Excellency the Governor, the Resolution of Council of the 9th instant relating to the claim of Messrs. Dumaresq to compensation for loss of Tolls on Maitland Bridge, and that His Excellency had been pleased to express his intention of acceding to the opinion of Council as expressed in the Resolution.

2. Jury Bill; further amended in Committee; to be again considered to-morrow.

Council adjourned at four o'clock until to-morrow at one o'clock.

ORDERS OF THE DAY.

FRIDAY, AUGUST 16.

1. Jury Bill; further consideration.
2. Crown Lands Protection Bill; second reading.
3. Road Bill; further consideration.

TUESDAY, AUGUST 20.

1. Title to Lands Bill; further consideration.
2. Police Appropriation Bill; second reading.

E. DEAS THOMSON, *Clerk of the Council.*

No. 39.

TUESDAY, 20TH AUGUST, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. Jury Bill; further consideration deferred until to-morrow.
2. Road Bill; further amended in Committee; to be fairly transcribed and presented to the Governor by the Attorney and Auditor General.
3. Title to Lands Bill; further amended in Committee; to be fairly transcribed and presented to the Governor by the Controller of Customs and Mr. Berry.
4. Police Appropriation Bill; read a second time; to be read a third time on Thursday next.
5. Crown Lands Protection Bill; read a second time, and amended in Committee; to be fairly transcribed and presented to the Governor by the Attorney General and Controller of Customs.

Council adjourned at four o'clock, until to-morrow at one o'clock.

ORDERS OF THE DAY.

WEDNESDAY, AUGUST 21.

1. Jury Bill; further consideration.

THURSDAY, AUGUST 22.

1. Police Appropriation Bill; third reading.

NOTICE OF MOTION.

THURSDAY, AUGUST 22.

The Colonial Secretary.—That in conformity to the opinion expressed by the majority of Council in their Resolution of the 9th instant, a sum not exceeding £500 be paid out of the Vote of Credit for the year 1834, to Messrs. Henry and William Dumaresq, as compensation for the loss of Tolls on Maitland Bridge.

E. DEAS THOMSON, *Clerk of the Council.*

No. 40.

WEDNESDAY, 21 AUGUST, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. Jury Bill; further amended in Committee; to be fairly transcribed and presented to the Governor by the Attorney General and Controller of Customs. Council adjourned at three o'clock, until to-morrow, at one o'clock.

ORDER

ORDER OF THE DAY.

THURSDAY, AUGUST 22.

1. *Police Appropriation Bill*; third reading.

NOTICE OF MOTION.

THURSDAY, AUGUST 22.

The Colonial Secretary—That in conformity to the opinion expressed by the majority of Council in their Resolution of the 9th instant, a sum not exceeding £500 be paid out of the Vote of Credit for the year 1834, to Messrs. Henry and William Dumaresq, as compensation for the loss of Tolls on Maitland Bridge.

E. DEAS THOMSON, *Clerk of the Council.*

No. 41.

THURSDAY, 22ND AUGUST, 1833.

1. Council met pursuant to adjournment; His Excellency the Governor in the Chair. Bank of Australia Bill; the Attorney General, as Chairman, brought up the Report of the Sub-Committee.—Report received and to lie on the Table.—Bill read a second time; to be read a third time on Wednesday next.
2. Police Appropriation Bill; read a third time and passed.
3. Resolved—That a sum not exceeding £500 be paid out of the vote of credit for the year 1834, to Messrs. Henry and William Dumaresq, as compensation for loss of tolls on Maitland Bridge.

Protest.—I protest against the claim made by the Petitioners, William Dumaresq, and Henry Dumaresq, for any additional compensation in respect of the Bridge over Wallis's Creek at Maitland, on the following grounds:—

(1.) That in my opinion the Bridge has been built partly at Government expense, although that fact has not been acknowledged by the Petitioners.

(2.) That the agreement or contract has been broken by the contractors, the Bridge not having been "a good substantial wooden Bridge," as shewn by the Surveyor's professional report, and by the fact of its having already fallen down.

(3.) That the tolls received by the Petitioners must have considerably overpaid the cost* of erecting and repairing the Bridge.

(4.) That the grant of the five acres of land contiguous to or within the flourishing Township of Maitland, with authority to build thereon a house of entertainment, which for the first year paid no license, is itself more than an adequate equivalent for the Bridge.

(5.) That the agreement or contract for the erection of the Bridge had been again broken by the contractors, it having been stipulated or understood that the tolls at this Bridge† should not exceed that at Howe's Bridge, Windsor; whereas, in fact, the tolls levied were in no instances lower, and in most instances‡ were upwards of treble that rate. That in consequence of this deviation from the agreement, the Petitioners who had taken tolls at the foregoing rate for upwards of (4) four years, must be considered as having had the benefit of the tolls for at least (12) twelve years, agreeably to the originally stipulated rate.

(6.) That the exaction of the tolls was unauthorised, and was therefore in a high degree illegal; and rendered the parties concerned therein liable to be prosecuted accordingly.

And I request that the grounds of this my dissent may be recorded on the Minutes of the Council, and that an extract copy of such minute may be transmitted, together with a copy of these my objections, to the Right Honorable the Secretary of State for the Colonies; for the consideration of His Majesty's Government.

(Signed)

JOHN BLAXLAND.

4. Petition presented from certain landholders and free inhabitants of the District of Hunter's River, praying the repeal of certain parts of the Act of Council 3 William IV, No. 3, for the punishment and transportation of offenders. Petition received; to lie on the table, and to be printed.
 5. Petition presented from certain landholders and other free inhabitants of the Districts of Newcastle and Port Stephens, praying an amendment of the Act of Council 3 William IV, No. 3, Petition received; to lie on the Table, and to be printed.
- Council adjourned at half-past three o'clock until Wednesday next at one o'clock:

ORDER

* See Surveyor Hallen's estimate of a new Bridge of the same description, viz., £222 15s 8d.; also his report generally, as well as other evidence before the Council.

† Mr. McLeod's proposal for erecting a Bridge over Wallis's Creek, Hunter's River.

‡ Evidence before the Council.

ORDER OF THE DAY.

WEDNESDAY, AUGUST 26.

1. Bank of Australia Bill; third reading.

E. DEAS THOMSON, *Clerk of the Council.*

22 August, 1833.

To His Excellency Major-General RICHARD BOURKE, Governor of New South Wales, &c., &c., &c., and the Honorable the Legislative Council.

The humble Petition of the undersigned Landholders and Free Inhabitants of the District of Hunter's River,

MOST RESPECTFULLY SHEWETH—

That your Petitioners having witnessed, with much anxiety and regret, the increase of crime and insubordination in these Districts since the promulgation of your Act of the 3rd William IV., No. 3, can no longer refrain from Petitioning your Excellency and your Honorable Council against its dangerous and injurious tendency. We beg respectfully to submit the reasons which induce us to consider this Act as highly detrimental to the interests of the Colonists, inefficient as a code of secondary punishment, and as opposed to the reformation of the convicts.

The limitation of the power of the Magistrates has had the most decisive effect upon the conduct of the prison population. Their characteristic depravity cannot be checked without a corresponding severity in the law, and rigor in its administration; it is only an effective system of coercion, tempered with kindness to the deserving, which can preserve them in a state of subordination, through which alone habits of industry and reformation can be formed.

Your Petitioners have found by experience, that the extent of punishment which the Magistrates are authorised to award, and the instrument by which a portion of such punishment is inflicted, is so inefficacious that the authority of the master is nominal, and the power of the Magistrate derided. It has therefore become the practice of many of our settlers to refrain from taking their servants before the Courts of Petty Sessions, in consequence of the bad effects which such slight punishments are found to produce.

Your Petitioners feel it their duty, in justice to themselves and the Colony at large, to advert to that part of the Act by which single Magistrates are, in certain cases, prevented from exercising a summary jurisdiction upon our offending servants; thus increasing the difficulty which those who reside in the remote Districts experience in their efforts to obtain justice, aggravating the hardships which the first settlers in remote parts of the Colony have to encounter, and which your Petitioners beg to urge upon your Excellency and your Honorable Council, as reasons for making such an alteration in the law, as will afford adequate protection to these defenceless individuals, and their families.

Your Petitioners also beg to state to your Excellency and your Honorable Council, that the former Act was considered too lenient in the Mother Country, and was generally condemned as being insufficient to answer the ends of justice, as a secondary punishment, and the withdrawal of the convicts has been contemplated by many Members of the House of Commons. Your Petitioners are therefore apprehensive that the marked opposition to public opinion in Great Britain, on which this Act is founded; will be the cause of measures which your Petitioners cannot anticipate without feelings of the greatest alarm.

Your Petitioners are desirous of placing upon record their objections to this system; they are desirous to assure the Government that they are able and willing to support, and as far as lies in their power, to reform such criminals, but they must be protected in their industry by proper laws, and placed less at the mercy of their convict servants.

Your Petitioners therefore most respectfully implore your Excellency and your Honorable Council, to repeal so much of the present Act as your Petitioners have found injurious; and to enact such a law as will afford due protection to your Petitioners, and meet the just expectations of the British Parliament and People.

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

[Here follow the Signatures.]

Although the Members of the Invermeil Bench have not observed a spirit of insubordination existing in our District, we are of opinion that the former Act for the Punishment of prisoners by no means conferred too great powers to the Magistrates; and that the present Act in this respect was uncalled for, and has a tendency to produce the facts complained of. To the other parts of the Petition we subscribe.

[Here follow the Signatures of the Bench.]

*To His Excellency Major-General RICHARD BOURKE,
Governor of New South Wales, &c., &c., &c., and the
Honorable the Legislative Council.*

The humble Petition of the undersigned Landholders and other Free Inhabitants of the Districts of Newcastle and Port Stephens.

RESPECTFULLY SHEWETH:—

That your Petitioners being deeply impressed with the inadequacy of the present laws for controlling the prison population of this Colony, as testified by numerous instances which are constantly occurring within their own experience, consider it incumbent upon them to submit the same to your Excellency and your Honorable Council, feeling confident that their representation will receive that consideration which the importance of the subject demands.

Your Petitioners particularly allude to the very limited powers given to the Magistrates of the Territory, by your Act of the 3rd Wil. IV., No. 3, and most especially to single Magistrates; whereby, in a great many instances, offenders escape the punishment due to their offences, in consequence of the extreme difficulty and ruinous loss of time which would be incurred by the masters in bringing them to justice.

Your Petitioners are reluctantly compelled to allude to the instrument by which corporal punishment is now inflicted; the inefficacy of which your Petitioners have no hesitation in assuring your Excellency and your Honorable Council, has become a subject of derision among the prison population.

Your Petitioners desire respectfully to call the attention of your Excellency and your Honorable Council to the lenient discipline at present exercised over the Iron-gang at Newcastle, which so far from constituting an exemplary punishment, and acting as a terror to the prison population, entirely fails in this respect, and defeats the judicious intention of His Majesty's Government of deriving a great public advantage from the useful employment of the worst description of offenders.

Your Petitioners could adduce numerous instances of insubordination and contempt of the laws, which clearly appear to your Petitioners to have resulted from the causes above-mentioned; instances in which the authority of the master has been set at naught, and the punishment inflicted by the Magistrates, publicly and contemptuously derided.

Without entering into a further detail, your Petitioners are desirous of bringing to the notice of your Excellency and your Honorable Council the well-known fact of the increased number of runaways from private service every where observable of late, which circumstance your Petitioners conceive unquestionably to arise from the inadequacy of the existing law.

Your Petitioners also beg leave respectfully to represent to your Excellency and your Honorable Council, as a consequence of the extreme lenity of the present laws and discipline, that a dangerous idea now generally prevails among the convict servants in these Districts, that their masters have hitherto acted towards them with undue severity; thus creating in their minds a feeling of hostility and insubordination, accompanied by a vague persuasion that their offences will no longer be visited with a proportionate punishment.

Under these circumstances, your Petitioners respectfully beg that your Excellency and your Honorable Council will adopt such Legislative measures as may remedy the defects complained of, and afford due protection to His Majesty's free subjects in these Districts.

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

No. 42.

WEDNESDAY, 26TH AUGUST, 1833.

1. Council met pursuant to adjournment, His Excellency the Governor took the Chair, and laid upon the Table the following Minute:—
 - “ In conformity to the recommendation of the Council communicated in their Resolution of the 24th ultimo, I have caused to be prepared, and now lay upon the Table, a Bill limiting and fixing at Eight per Cent. the rate of Interest to be recovered in any Court of Law or Equity in this Colony. As this subject is of great importance both to the landed and commercial interests, and as I am aware that some difference of opinion exists amongst the Colonists, both as to the rate of Interest to be fixed and as to the avoidance of Contracts made at any higher rate of Interest than that established by Law, I propose to proceed no further with the measure at present than to direct that the Bill be printed, and remain over for consideration until the meeting of the Council in the next year.
 - “ I have also to place before Council the Petition of certain Merchants, Traders, and others, praying that all persons may be prohibited from vending goods by what is commonly understood to be hawking or peddling, unless duly licensed. As this measure would impose a certain restriction upon trade, which, in a new country, ought to be as much as possible avoided, and might occasion inconvenience and privation to small settlers established in remote parts of the Colony, I have thought it necessary to enquire into the extent of evil which the unrestrained practice of hawking and peddling is alleged to produce, and how far the evil—whatever it may be—is likely to be remedied by the proposed introduction of licenses. Not being as yet sufficiently informed on the subject, I propose to defer the consideration until the next meeting of Council.
 - “ Petitions having been presented to the Governor and Council, complaining of the operation of the Act 3rd William IV. No. 3, I propose to enquire into such of the allegations of these Petitions as appear important.”

(Signed)

“ RICHARD BOURKE.”

“ 26th August, 1833.”

2. His Excellency the Governor laid upon the Table. "*A Bill for removing doubts respecting the Rate of Interest which may be recovered in any Action or Suit in any Court in this Colony.*" Bill read a first time, and to be printed.
 3. His Excellency the Governor laid upon the Table, "A Petition from certain Merchants, Traders, and others in New South Wales, praying that persons may be prohibited from Hawking Goods without being licensed." Petition received; to lie on the Table, and be printed.
 4. The Venerable the Archdeacon, as Chairman, brought up the Report of the Committee on the proposed Quay in Sydney Cove. Report received; to lie on the Table, and be printed. Committee obtained leave to sit during adjournment.
 5. Title to Lands Bill; presented by the Governor as amended; read a third time and passed.
 6. Crown Lands Protection Bill; presented by the Governor as amended; read a third time and passed.
 7. Road Bill; presented by the Governor as amended; read a third time and passed.
 8. Jury Bill; presented by the Governor as amended; and read a third time. Motion made and question put, That this Bill do now pass. Council divided. Ayes, 7—Noes, 6.
 9. Bank of Australia Bill; read a third time and passed.
 10. The Colonial Secretary, as Chairman, brought up the Report of the Committee on the Tunnel for the supply of Sydney with Water. Report received; to lie on the Table, and be printed.
- Council adjourned at four o'clock, *sine die*.

E. DEAS THOMSON, *Clerk of the Council.*

25 JULY, 1834.

A BILL

(*As amended in Committee*)

For removing doubts respecting the rate of interest which may be recovered in any action or suit in any court in this colony.

* * * * *

WHIEREAS it is expedient to remove all doubts respecting the application to New South Wales of the laws and statutes of England, relating to usury, and to limit and define the rate of interest for the forbearance of money which may be recovered in any Court of Law or Equity in cases wherein the rate of interest has not been fixed by the parties before the Court: Be it therefore enacted and declared, by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, That the laws and statutes of England relating to usury, shall be deemed, taken, and adjudged not to extend to the said Colony or its dependencies, or to be in force within the same. Preamble.
Declaring the Usury laws of England not to be in force.

II. And be it further enacted, That in all cases where interest, for the loan of money, or upon any other contract, may be lawfully recovered or allowed in any action or suit, in any Court of Law or Equity, but where the rate of such interest hath not been previously agreed upon by or between the parties, it shall not be lawful for the party entitled to interest, to recover or be allowed in any such action or suit, above the rate of eight pounds for the interest or forbearance of one hundred pounds for a year, and so after that rate, for a greater or lesser sum, or for a longer or shorter time. Eight per cent. to be allowed in cases before the court where no rate has been previously agreed upon.

28th August, 1833.

To His Excellency the Governor and the Legislative Council.

The humble Petition of the undersigned Merchants, Traders, and Others of New South Wales,
SHEWETH—

That under the Administration of the late Governor Macquarie, there existed a salutary regulation, prohibiting any person or persons from hawking goods or other articles in any part of the Colony, without having previously received a license authorising them so to do.

That the said regulation having for several years ceased to be in force, there is at this time no restriction whatever upon hawkers and peddlers.

That the practice of itinerant hawking has always been regarded by the Mother Country as a just object of Legislative care and enactment; and experience has abundantly proved that it is still more so in this part of His Majesty's Dominions. Your Petitioners beg to represent that it affords the most easy facilities for vending stolen property, and for the illicit sale of distilled spirits; and they are convinced, from constant observation, that these facilities are most actively and perniciously employed, and that unlicensed hawking is, and has long been, the great vent of property dishonestly obtained.

That the practice herein referred to, has, of late, so rapidly increased, and has now become so extremely prevalent in all parts of the interior, as well as in the towns, that your
Petitioners

Petitioners feel called upon, not merely by a just consideration of their own immediate interests, but also by a concern for the moral welfare of the community at large, to appeal to the local Legislature for a prompt application of that restraining and controlling power, which, they are convinced, can be no longer safely withheld.

Wherefore your Petitioners humbly pray, That your Excellency and the Legislative Council would be pleased to take the premises into your favorable consideration, and enact "A Law, prohibiting any person or persons from vending goods, or any description of property whatever, by what is commonly understood to be hawking or peddling, without being duly licensed so to do."

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

New South Wales, 17th May, 1833.

28th August, 1833.

REPORT of the Sub-Committee appointed to examine certain Plans and Documents relating to the Construction of a Quay at the Head of Sydney Cove, and to Report upon the practicability of the undertaking, the advantage to be derived from it, and the probable Expense.

The Sub-Committee have the honor to report to Council that they have met on several occasions, and examined Alexander Berry, Esquire, the Surveyor General, the Colonial Architect, and George Bunn, Esquire, whose Evidence will be found appended to this Report. The Sub-Committee have been unable, during the present session, so far to prosecute their enquiries as to be able to come to a final determination upon the subject. They have, however deemed it proper to make this provisional Report at its close, for the information of the Council, and request permission to proceed with their enquiries during the recess, so as to be enabled to make their final Report at its next assembly.

(On behalf of the Sub-Committee,)

W. G. BROUGHTON, CHAIRMAN.

Examination of Ambrose Hallen, Esq., Colonial Architect, before the Sub-Committee appointed to consider and report upon the proposed Quay in Sydney Cove, on the 15th August, 1833.

1. Will you have the goodness to look at this plan, and state to the Committee your opinion as to the comparative expediency of forming the winding channel recommended by the Surveyor General, or the more direct one proposed by the Committee, and inserted in the plan? I conceive that proposed by the Committee to be a great improvement on the former, inasmuch as the stone-work enclosing the channel would be more secure, and less liable to injury in great floods, and the channel itself would be more regularly cleared of the deposit of sand, the current being equal in both channels; and also, it would be more accessible to loaded boats.
2. Supposing the necessary arrangement could be made with the owners of private property; would it be possible to bring the tank-stream itself down to its junction with the channel in a more favorable direction than at present? From the present direction of the tank-stream it would be difficult to cause an equal current, in both branches of the channel, but by changing the stream more to the eastward, and forming the south-end of the embankment as the cut-water of a bridge, the object would be effected.
3. Do you conceive that the walls built to enclose that channel would be perfectly secure? The part forming the cut-water or southern point of the embankment would require to be of well-constructed masonry, and clamped, for at least a hundred feet on each side. The current then having a more direct course, would not injure the masonry, even if it were of a less solid and expensive construction.
4. Do you conceive that the material which would be taken out to form that channel, would go any great way towards filling up the embankment within the same? I conceive there would not be anything like a sufficient quantity, and, moreover, that it would be a very improper material to use for that purpose, because, in case of any great weight being placed on the embankment from being in its nature similar to mud, it would have a tendency to press out the walls. It would, therefore, be proper to excavate the entire space within the channel, and to fill the embankment itself with more solid materials.
5. How do you conceive the interest of individuals whose allotments abut upon the shore of the proposed channel, would be affected by the intended alteration? Probably with one exception, it would be a beneficial measure.
6. Do you conceive that the extension of the King's Wharf, which would be effected by the proposed plan, would facilitate commerce and enhance the value of public property? I do.
7. Do you think that the ready communication which would be made between the two sides of the Cove, would lead to the extension of the Town, on the eastern shore? I conceive that the allotments proposed by the Government for sale on the eastern side, would thus acquire a very high value.
8. The success of this plan seems, in a great measure, to depend upon deep water being preserved along the face of the proposed quay or embankment; do you conceive that there is a probability of its being so permanently preserved? I am of opinion that it would hasten the filling up of the Cove, and consequently, that deep water would not be permanently preserved.

9. To what causes should you attribute that filling up? At present there is a very great filling up of the Cove after every heavy rain, as I am informed, to the extent of two or three feet. At present the mud flat receives a great portion of the sand brought down by the tank-stream; when the embankment is formed the whole of that would be carried through the branches of the channel and deposited in the Cove, especially opposite the most valuable part of the embankment.

10. Is there no possibility, do you think, of preventing that deposit, either by forming tanks to intercept the sand as it comes down, or by removing, or by dredging such as might accumulate in front of the embankment? I conceive that it would be more advisable to intercept the sand as it comes down, which might be partially done by forming a succession of pools along the course of the tank-stream; but I do not think that this would be perfectly effectual.

11. What would be your objection to dredging? Dredging would be necessary in addition to cess-pools; but although it might preserve deep water along the face of the embankment, there would still be a quantity of sand spread over the Cove which could not be removed by dredging; besides, the expense of continually dredging would be considerable.

12. Do you conceive then, that these considerations form a strong objection to the adoption of the proposed plan? I do.

13. Are you prepared then with any plan not liable to such objections, and which you would recommend in preference? I am not prepared with any plan, but I could explain to the Committee the principles upon which I think the objects might be effected.

14. Will you have the goodness to state them? By making an embankment next the Cove only, and forming the whole of the area not occupied by the embankment into a tank for the reception of all the water which comes down the tank-stream; and the only communication between which and the Cove, should be by a number of broad and shallow apertures, so that the depth of the stream running into the Cove should be rendered as small as possible.

15. But would not this plan cut off some of the occupiers of allotments from all water frontage, and the whole of them from the use of any navigable channel? The whole of them would be cut off from both:

16. Do you not think that the health of the inhabitants of the Town, and more particularly those residing in the immediate neighbourhood, would be affected by the accumulation of filth in the tank, if it were formed in the manner suggested by you? I have no doubt there would be annoyance from the effluvia arising from the filth which would there be accumulated, but not greater than is felt at present. I wish to be understood, that the suggestions I made respecting making a tank in preference to an embankment, were with a view only to the safety of the Cove, and not to the benefit which would be derived from the land that would be gained.

17. Do you not think that it would be practicable, by means of an under-ground sewer from the junction of the tank-stream with the line of high water, to convey the whole of the water of that stream into Farm Cove, instead of allowing it to flow, as at present, into Sydney Cove? I am not prepared to answer that question, not knowing the distance or the level of the intervening ground.

18. But, supposing the head of the sewer to be at the level of high water, and its termination to be at the lower water mark, must there not necessarily be such a difference of levels as in that distance you would think sufficient to carry off the stream into Farm Cove? Water so impure and so impregnated with sand, as flows from the tank-stream, requires a greater fall in a given distance than pure water, to preserve the channel free from obstruction.

19. Have you formed any estimate of carrying this design proposed by the Surveyor General into execution? I have, and the amount is upwards of £6,000.

20. Can you form an opinion whether that expense would be increased or diminished by the alteration proposed by the Committee? The directions I received for making an estimate, to the best of my recollection, stated that the stone-work was to consist of rough masonry, and that I was not to include the wall bounding the allotments of individuals along the branches of the channel. Proceeding upon that assumption, the plan proposed by the Committee will not require so much stone-work, and will therefore be considerably less expensive. I conceive, however, that in either case that part of the wall which is to receive the force of the current should be of much more solid construction, and that the rough masonry I was directed to estimate for, would not answer the purpose.

21. Would not the numerous projecting angles in the wall along the branches of the channel, as originally proposed, be subject to continual injury of the masonry from the passage of boats and barges, and occasion frequent expense for repair? I consider that all deviations from right lines in water-courses are objectionable, and where a curve is absolutely necessary, as in the present case, the easier the bend the better on every account; of course, the projecting angles would be most liable to the injury contemplated, both from the force of the stream and boats.

22. Would not they likewise have a tendency to accumulate filth, and so obstruct the free passage of the water? Every projection produces an eddy, and consequently a deposit.

Examination of Major T. L. Mitchell, Surveyor General, before the Sub-Committee appointed to consider and report upon the proposed Quay in Sydney Cove, on the 20th August, 1833:—

1. An alteration of the course of the channel having suggested itself to the Committee, will you have the goodness to examine the plan, and state your opinion as to the comparative eligibility of the same, and of that originally proposed by yourself? My opinion of the plan as proposed to be altered by the Committee, is, that it would not recover so much land from the sea for the Crown, and that by affording greater facility for the course of the tank-stream directly to the sea, one of the objects of the original plan would be in a great measure defeated;

which object was to check the current of the stream by turning its course by acute angles backwards, and retain by this means the sediment from the still water in the channels thus formed, and which, it was expected, if used as a means of access to their wharfs, would be from time to time cleared by the adjoining proprietors. I see no advantage in the uniformity of the curve here drawn, in point of appearance, and I conceive that it would be inconvenient in respect to the frontage of the adjoining properties, as originally granted, especially as it would leave the completion of the plan depending upon individuals as well as on the Government.

2. The two branches of the channel as originally proposed by yourself, do not run equally, directly towards the Cove. Would it not happen that the current running chiefly along that which is most direct, would carry the sand which it conveys through that branch into the Cove; and the back or comparatively stagnant water in the other branch would have little effect in intercepting any portion of the deposit? I do not think so; the branches return backwards at nearly equal angles; the most obtuse being that of the branch which is least direct afterwards; but the current would rather depend on the inclination of the bed of the stream in this case, and might be made to pass through either or both. At high water, however, the stream would be met at, or above the branches by the tide; which would thus receive, and hold in suspension, whatever particles the stream brought with it, more or less of which would be deposited before they reached the harbour, in proportion as these branches of still-tide-water would be more or less extensive.

3. Do you propose to leave it to the discretion of the proprietors to clear the channel of such sand or other deposit as might accumulate in it opposite to their respective frontages? They might reasonably be expected to do it, or be called upon to do it by the Government; but, as a measure of general economy and precaution for the preservation of the harbour, I should say that this might be done at the expense of the public, as the plan originally proposed of leaving the whole of that surface as a tank, contemplated the cleaning of the whole basin.

4. Suppose that one of these proprietors was to suffer the deposit to accumulate in front of his allotment, might it not seriously injure all the others, and in fact frustrate the whole scheme? Yes, it would frustrate both schemes; but as far only as relates to the navigation of these outlets of the tank-stream; the object of the original plan, which was to form a quay at the head of the Cove, would nevertheless be accomplished; and the tank-stream would always find its way to the sea, and with less injury to the harbour in proportion as it was intercepted or its course prolonged.

5. Would not the constant necessity of cleansing the channel interfere with its usefulness for the purposes of commerce? No; such deposits take place very slowly; during good weather the stream is trifling.

6. Did it ever come to your knowledge, that after a heavy rain there has been an accumulation of two or three feet of sand in the mud flat? I have heard such stated, but could never ascertain exactly where it took place.

7. Would not the passage of loaded boats be liable to injure the projecting points or angles of masonry which occur along the whole course of the channel as proposed by you? I think barges and boats are more likely to be injured by the points alluded to, if there were danger at all, which, as projecting wharfs and points are common in such harbours, I do not contemplate.

8. Would the excavation of this channel furnish sufficient materials for nearly filling up the space which it is proposed to be filled in for Government? No; I should not expect to find any stone there at all, at least fit for building, but whatever is taken out, might be thrown into the centre of the part to be taken from the tide.

9. The object is to ascertain how far, in the consideration of expense, it would be necessary to take into account that of bringing materials from a distance to fill up the embankment? I do not think the matter excavated from the proposed channel can well be taken into that account.

10. Would the plan proposed by you, ensure a right of passage from George-street over the Government land to the embankment? It would; by making a bridge.

11. Would there then, by making a bridge over the other branch of the channel, be ensured a direct communication between George-street and the eastern side of the Cove? There would.

12. What is your opinion of the effect that it would have upon the extension of the Town on that side of the Cove, and on the value of property there? I think it would enhance the value of property, but I am not prepared to say in what ratio; and it would tend to the more rapid extension of the Town on that side of the Cove.

13. In your Report you contemplate that vessels of considerable burthen may lie along the curved line of deep water adjoining the quay or wharf in front of the embankment; do you believe that the necessary depth of water would be preserved? I cannot form any correct opinion as to the changes that may take place under the operation of natural causes; but I conceive the clearing out of the two branches of the tank-stream likely to prevent, or at least retard, any accumulation which may be anticipated in front of the embankment; the tank-stream now discharges into the deepest and central part of the Cove adjacent, the two branches would turn it from the deepest part towards each side of the Cove.

14. Would the formation of cess-pools along the course of the tank-stream, and to be occasionally cleared out, contribute also to prevent that accumulation? I think so—very much.

Examination of Alexander Berry, Esq., M.C., before the Committee of the Legislative Council, on the 22nd August, 1833.

1. Have you bestowed attention upon the effect produced on the depth of water in Sydney Cove by the washing of sand carried into it by the tank-stream? I have paid some attention to it from living long in that neighbourhood.

2. Will you be so good as to state the result of your observations to the Committee? I have observed the mud-bank at the head of the Cove, in the course of the last ten or twelve years, making a regular progress to the northward.
3. To what cause do you attribute that? Chiefly to the washings from the tank-stream.
4. What is your opinion as to the extent to which that would be prevented by the adoption of the plan here proposed? [Plan shewn to witness.] I am not of opinion that it would have any effect whatever in preventing the filling up of the Cove.
5. You perceive that the stream is brought down to a certain point, and there, by the form of the proposed walls, is made to diverge into two channels; are you of opinion that the effect of the breakwater so produced would be to retain in the channels a considerable portion of the sediment brought down, and to prevent its being carried into the Cove? I do not think that the effect would be very considerable, because I conceive the chief effect takes place in times of flood when the water comes down with great violence, and brings with it so considerable a quantity of clay and sand as to discolor the entire water of the Cove; and I have observed that a considerable portion of the deposit is driven back upon the mud-flat by the strong northerly winds which prevail in summer; and it is to this cause I attribute the bank presenting a bold front towards the north, instead of gradually sloping into shoal water.
6. Do you think that any formation of cess-pools in the bed of the tank-stream, would have any powerful effect in stopping so much earthy matter? If the cess-pools were to be very deep and capacious, I have no doubt they would produce some effect, but that would be very trifling in time of flood, when, from the rapidity of the current, the mud and sand brought down by the stream, would not have time to be deposited in the cess-pools.
7. Putting out of consideration the effect it might produce upon the Cove, are you of opinion that occupying this mud-flat with an embankment of solid materials, the health of the inhabitants of the town would be benefited? I certainly think it would be very beneficial to the inhabitants, and of great utility to the public generally.
8. Supposing a quay to be formed in front of the embankment, and the channel to be sufficiently wide and navigable for barges, would it afford facilities to commerce? I think it would.
9. Are you of opinion that the causes you have spoken of as forming the bank in the Cove, would occasion any such accumulation in front of the quay, as to interfere with ships of any burthen lying alongside? I certainly think that an accumulation would be formed in front of the quay, which might interfere in process of time with ships lying alongside, and that this could be prevented only by continual lifting or dredging by machinery.
10. When you were residing on the spot, did you ever personally observe the effect of which you are speaking? There was a boat channel from the Cove to the premises I occupied, which my boatmen were obliged to empty every two or three months, otherwise they could not bring the boat to my wharf, at low water, and I conceive that to have been occasioned by matter brought in from the Cove, rather than from the effects of what was brought down by the stream.
11. Is it to be presumed then, that in your opinion, this channel would be filled up by matter carried in from the Cove, independently of what is brought down by the stream? I imagine it would. There is a large quantity of feculency suspended in the water in the Cove, which, in ordinary times, would be deposited in the channel in consequence of the water being there in a state of complete repose. I conceive that the same causes which now produce a deposition of mud upon the flat would produce the same effect in the channel if it were formed.
12. Do you think that when the tide is flowing, its current within the Cove is strong enough to force back the sand and clay brought down from the tank-stream? I do not think that the tide would produce that effect; I think it is rather the operation of the strong northerly winds.

Examination of George Bunn, Esquire, before the Sub-Committee, on the 28th August, 1833:—

1. Have you observed the effect produced by the flowing of the tank-stream into Sydney Cove? I have.
2. Will you state the result of your observations? From what I have observed, there must be a very large quantity of sand and mud brought down by the tank-stream, the deposit of which during my residence in the neighbourhood, a period of about seven years, has filled up the head of the Cove, I should say from twelve to twenty inches in height in some parts. The effect of this has been, not only to impede the navigation, but to render that part of the town much more unwholesome, from the effluvia arising from this accumulation being longer exposed to the sun than when that part of the Cove was deeper.
3. Do you conceive that by adopting the plan here proposed, this deposit would be prevented from accumulating? The plan proposed would have the effect of preventing the deposit I have alluded to, temporarily; but I am of opinion, that a similar deposit would quickly accumulate in front of the proposed embankment, and thereby, obviate the advantages of the plan, if it did not produce equally bad effects as are now experienced from the effluvia arising from the accumulation of mud.
4. Can you suggest any other plan to the Committee, by which the inconveniences you mention might be obviated? I am of opinion, that by making as great a number of breaks in the branches of the proposed channel as could conveniently be formed, the impetuosity of the stream would be so far checked in its progress, that the sand and mud brought down by the tank-stream would be deposited in the channel, and thus prevented from reaching the Cove; which deposit could from time to time be removed by common dirt carts.

5. By forming breaks in the channel, in the manner you propose, would not the navigation be impeded? My last observation had reference to the whole space being filled in, and merely covered channels left for the exit of the water.

6. Do you consider the reserve of water-side frontage to the premises now standing on the limits of the proposed embankment, of paramount consequence to those premises; or would they not be rendered more valuable by having a street frontage opening towards the quay proposed to be made on the embankment? I am decidedly of opinion that the advantages would be incalculably in favor of a street frontage, with access to the proposed quay. Some of the property I have no doubt would be increased ten-fold in value by the adoption of such a plan...

7. Are you of opinion that by filling up the embankments, and covering the water-courses, that part of the town would be rendered more healthy? Decidedly. The effluvia arising from the mud at the head of the Cove, at present, during the heat of the day, in the absence of the tide, renders my house, which abuts on the Cove, scarcely habitable. By the plan I have proposed for preventing the accumulation of mud in the Cove, the health of that part of the town would not only be greatly improved, but the navigation of the Cove preserved.

28th August, 1833.

THE Committee of the Legislative Council appointed on the 18th June, 1833, to enquire into the mode in which the formation of the Tunnel for conducting Water to Sydney is carried on, and to report the means by which its progress may be accelerated, and the supply of Water rendered more generally useful by leading it to Public Fountains, or to Private Houses, upon payment of a regulated Rate, have agreed upon the following Report.

Your Committee, in enquiring into the history and origin of this important work, find from the official documents which have been laid before them, that, in consequence of instructions from Governor Sir Thomas Brisbane, Mr. Busby, the Mineral Surveyor, soon after his arrival in the Colony, directed his attention to the improvement of the supply of water to the Town of Sydney, and that on the 30th of June, 1825, he addressed a letter to Sir Thomas, containing a plan for conveying water in cast-iron pipes from the large lagoon near the Old Paper Mill, south of the South-head Road, to a reservoir to be formed in Hyde Park, and from thence to the different parts of the town, at an expense which, including a forcing pump, with steam engine or water-wheel, he estimated at a sum not exceeding £12,000.

It appears that this proposal was referred by Sir Thomas Brisbane to the Secretary of State, who, in a Despatch, dated the 8th June, 1826, addressed to General Darling, authorised the adoption of the plan proposed, and the incurring of the expense attending it. In the mean time, however, Mr. Busby submitted to General Darling, another plan for bringing the water from the lagoon abovementioned to Sydney, by driving a mine, or making a tunnel the whole way; which, in his opinion, would ultimately more than counterbalance the additional outlay in the first instance, by saving the great expense of the machinery, and of the fuel and labor that would be constantly required, as well as by avoiding the inconvenience arising from occasional interruption in the supply of water, from defects in the machinery.

The estimate of the expense of executing this plan, amounted to £20,215 15s., and it appears that this, as well as the first plan with the Secretary of State's Despatch, relating to it, was referred by General Darling, after having inspected the ground, to the Surveyor General, and the Civil Engineer, who were requested to consider the several propositions of Mr. Busby, and report their opinion as to the practicability and best means of carrying the proposed measure into effect, with a detailed estimate of the expense.

The Report of the Gentlemen to whom the matter was referred, has not been laid before your Committee, but it appears, that in consequence of their recommendation, General Darling adopted the plan for introducing water into Sydney by a mine or tunnel, and accordingly, on the 9th June, 1827, the Mineral Surveyor was directed, by a letter from the Colonial Secretary, to proceed with the work, and to furnish a statement of the men, implements, and other aid which he considered to be necessary for the purpose, it being then understood that he was to be assisted by his son, Mr. Alexander Busby, who had a salary of £100 per annum, but this appointment appears to have been discontinued early in 1828, by order of the Secretary of State.

The Mineral Surveyor, in a letter dated 26th July, 1827, addressed to the Colonial Secretary, states that he considered that not less than seventy-three men should be employed; viz:—

Miners	48
At the Pits ..	12
Stone-cutters and Masons	6
Blacksmith	1
Carpenter	1
Carter	1
Messenger	1
And Overseers ..	3

In all, 73

Your Committee understand that the work was soon afterwards commenced with this number of convicts, but that the number of men was from time to time increased upon the application of the Surveyor, until it amounted to one hundred and forty, which was the number employed in December, 1829, when Mr. Busby applied for an addition of twenty men, in consequence of the labor required for keeping the mine clear of water. This application

cation induced General Darling to order the Director of Public Works, the Deputy Surveyor General, and the Surveyor of Roads to inspect the work, and to report particulars as to the progress made, and the time likely to be required to complete it.

The Report of this Board of Survey, which is dated the 30th April, 1830, states that they had satisfied themselves, by a series of levels taken with great care, that the level of the tunnel was then sufficiently low to answer the purposes intended; that the work was performed in a satisfactory manner; and that of the tunnelling completed, there was a connected line of 2972 feet in length through solid rock, then producing, by a rough calculation, about 34,000 gallons of water in every 24 hours.

The Report proceeds to state, that in September, 1827, the Mineral Surveyor commenced upon a line nearly two miles in length, to perforate the solid rock by a tunnel averaging 5 feet in height and three feet in width, to effect which he sunk 11 shafts varying in depth from 40 to 80 feet, and that these shafts and 5057 feet of tunnelling and deep cutting were then completed, so that one-half of the whole work was completed in 30 months, and they therefore calculated that the whole work might be completed in 30 months from that time, that is about November, 1832.

Your Committee further find that General Darling, a short time previous to his departure from the Colony, called upon the Mineral Surveyor for a Report of the progress then made in the work in question; and the Report presented accordingly, which is dated the 17th October, 1831, states that besides 1570 feet of open cutting, there were then 4732 feet of tunnelling completed; much inconvenience and delay had been occasioned by the want of experienced miners, and of trust-worthy persons as overseers, and that great delay had also been occasioned by the falling in of some part of the tunnel, and by the unexpected occurrence of a kind of rock that required to be blasted throughout.

This Report also states that 3900 feet of tunnelling then remained to be effected, but that this was expected to be completed much more expeditiously than the part accomplished had been, and that in the mean time the Town had the benefit of the water raised, which was calculated to afford, in ordinary seasons, a moderate supply for the present population.

In fact your Committee are aware that previous to the departure of General Darling, the water from the tunnel was conveyed in a considerable stream to Hyde Park, from whence the public were supplied without inconvenience.

Your Committee find that in consequence of a Requisition sent to the Secretary of State by General Darling, a quantity of cast-iron pipes, pig lead, fire-plugs, and stop-cocks were shipped on board of seven convict ships, and consigned to the Deputy Commissary General here, for the purpose of conveying water from Hyde Park to the different parts of the Town, and it appears that the sum of £3,189 10s. 10d. has been paid from the Colonial Treasury into the Military Chest for the cost of those pipes and other articles:

Soon after General Bourke assumed the Government of this Colony, His Excellency authorised the Mineral Surveyor to proceed with the laying of pipes to convey the water to the Military Barracks, the Convict Barracks, and General Hospital; and some time afterwards to continue them as far as the Gaol and the King's Wharf, where a cock with the necessary apparatus is established for supplying the shipping.

In the month of June, 1832, the Mineral Surveyor having represented that an order of General Darling for sending to his department all convict miners and quarrymen who arrived in the Colony, had ceased to be acted upon, and requested that directions might be given for its being again attended to. Your Committee find that His Excellency Governor Bourke, before he judged it proper to comply with this application, directed the Mineral Surveyor to be called upon for a Report of the progress made in the tunnel, since the 17th October, 1831, the date of the Report last quoted.

In this further Report, which is dated the 23rd July, 1832, the Mineral Surveyor states, that in the progress of the work, he had met with a bed of quick-sand, which, owing to the carelessness or mischievous design of the convict workmen, occasioned very considerable trouble and delay, and that, finding the rock getting gradually deeper, until at the level of the mine there was nothing but sand, he resolved to strike off at nearly a right angle about one hundred yards to the left of the original line, to prevent the necessity of sinking below level, and to be sure of having a rock-roof all the way to the lagoon.

Mr. Busby concludes this Report, by recommending that some reward might be promised to the men at the completion of a portion of the mine, as a means of getting the work more speedily and better finished than if the men had nothing to expect from their exertions; and it appears that the Governor ultimately consented to give tickets-of-leave to eight or ten of the most deserving, on the completion of the work.

Mr. Busby, in a subsequent letter, dated the 2nd August, 1832, states, that the men who have been employed in the mine have been allowed the indulgence of working for themselves, after performing a certain task, and recommends that this practice should be discontinued, because, while employed on their own behalf, the men exert themselves so much as to be unable to work for Government afterwards; but, if this suggestion were adopted, he recommends that an additional half ration of provisions should be issued to the miners, the common ration being, in his opinion, insufficient to support men having their work to perform.

Such is the brief history of the origin and progress of this undertaking to the present time. The total expense of the work to the end of the year 1832, including the cost of the iron pipes, is stated by your Committee, at £15,313 17s. 1d.; and to this may be added the salary of the Mineral Surveyor, for six years, at £500 per annum, the superintendence of the tunnel having been his principal, although not sole employment.

In order to enable your Committee to report on the several points referred to them, they have examined Mr. Busby, and from him they learn that there are 6,240 feet of the tunnel actually completed, and that about 5,000 feet remain to be done, including the additional extent occasioned by the necessary deviation from the original line, as noted in his Report of 23rd July, 1832, above-mentioned.

There are 78 convicts employed, including 3 overseers, besides 10 free overseers or constables, but Mr. Busby states, that he wishes to have 250 men, that is an increase of 182, to enable him to place a sufficient number at each pit, to work day and night along the whole line at once. He considers, that with such an increased force, having the pits or shafts not more than one hundred yards apart, the whole might be completed in one year. He is of opinion, that the whole could not be completed by contract, more expeditiously, excepting by incurring a much greater expense. Three free miners offered to work at the rate of £7 7s. 6d. per fathom, if supplied with powder and tools, whereas the work is now performed by convicts at the rate of 42s. per fathom. He thinks, however, that if the same number of free men as he requires of convicts could be obtained, they would perform the work in half the time that convicts would take to do it.

Your Committee afterwards examined William Harvie, James Harvie, and—Hardie, the three free miners alluded to in the examination of Mr. Busby, and who have recently arrived in this Colony from Glasgow. From these men your Committee were informed that they would engage to do the whole of the work at the rate of £3 10s. per fathom, if supplied with tools and powder, and the assistance of all the men now employed. They stated that they themselves, with the assistance of three labourers, can make a fathom of the tunnel per week; but being more labouring men, your Committee do not think that it would be prudent to enter into any contract with them for the completion of the extensive and important work in question. They, however, are willing to be employed as overseers at the rate of £60 each per annum, if allowed to erect temporary huts for their families near the line of the tunnel.

With respect to the supply of water, your Committee have much satisfaction in stating upon the authority of Mr. Busby, that it is sufficient for the present consumption, and that when the tunnel is completed, it will be most ample.

The following is an Estimate furnished by Mr. Busby of the quantity of water now daily supplied:—

To the Military Barracks.....	44 tons.
Police and Military Guard-houses ...	8 ditto.
Gaol	4 ditto.
Convict Barracks	8 ditto.
General Hospital	8 ditto.
Military Hospital	2 ditto.
Delivered to the inhabitants in Hyde Park...	70 ditto.

In all... 144 Tons.

or 36,288 gallons, besides the supply to shipping, which averages about 600 tons per month, and which is now paid for at the rate of one shilling per ton.

Upon the whole, your Committee beg leave to Report as follows, viz:—

1. Your Committee are of opinion that the work remaining to be done to the tunnel ought to be contracted for, if tenders from any parties willing to undertake it could be procured on reasonable terms.
2. But, as it is not probable that any such tender can be procured, your Committee recommend, that the work be carried on as at present, and that the three free Scotch miners before mentioned be employed as overseers at the rate of £60 per annum each, with liberty to erect temporary huts for their families as they desire.
3. Your Committee do not think it necessary to recommend that any additional number of convicts should be employed, or at any rate that they should exceed one hundred men, because, that number may complete the work in two years, and in the mean time the supply of water is sufficient to prevent the inhabitants of Sydney from suffering materially even in a dry season like the last.
4. Your Committee recommend that no person employed in or about the tunnel, shall be allowed, under any pretence whatever, ever to work on his own account, or to be absent from the gang or barracks, either by day or by night; but, that in consideration of the convicts being deprived of the advantage which they have hitherto had in this respect, they shall be allowed daily, an additional half-ration of provisions, per man; and that further, a small allowance in money, or tobacco, be allowed to them, for the work which they shall perform over and above their task.
5. Your Committee consider that it will not be expedient to make any arrangement for laying on the water in any parts of the town to which the pipes do not now extend, or to supply private families, until the tunnel shall have been completed to the larger lagoon; but they recommend that a charge, at the rate of one shilling a ton, be made, for all water supplied from the pipes in Hyde Park. This very moderate charge would, at least, have the effect of preserving the water from unnecessary waste.
6. As the Military Barracks, the Prisoners' Barracks, the Hospitals, the Gaol, and the Watch and Guard-houses are now amply supplied with water, by pipes laid on at the expense of the Colonial Funds, your Committee beg leave to recommend, that a sum equal to the saving from the discontinuance of the horses and carts before employed in supplying these Establishments with water, be charged to the Commissariat from the beginning of the present year.

ALEX. M. LEAY, Chairman.